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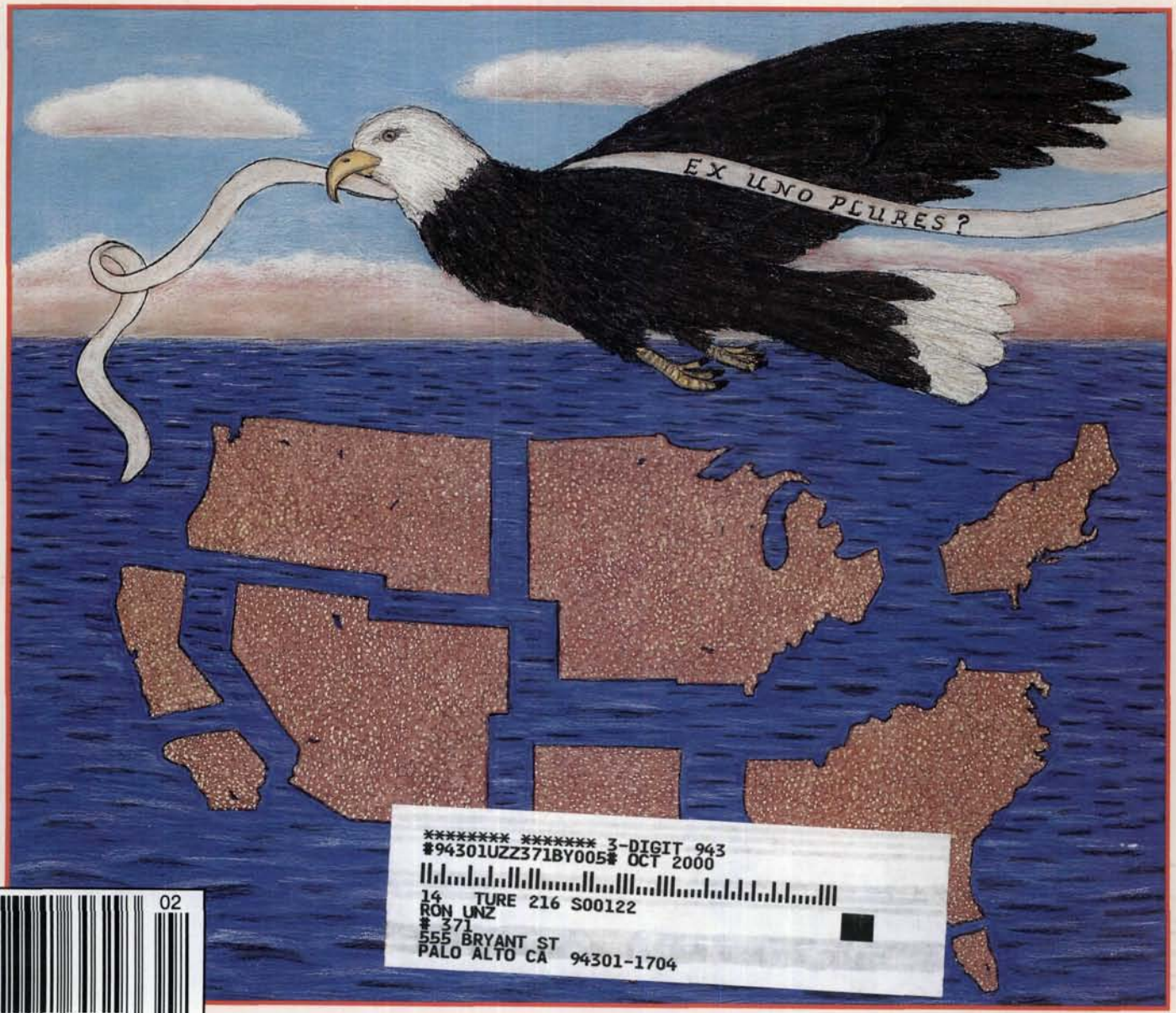

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Chronicles

A MAGAZINE OF AMERICAN CULTURE

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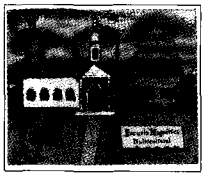

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A publication of The Rockford Institute.
Editorial and Advertising Offices:
928 North Main Street, Rockford, IL 61103.
Editorial Phone: (815) 964-5054.
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Subscription Department: P.O. Box 800,
Mount Morris, IL 61054. Call 1-800-877-5459.

U.S.A. Newsstand Distribution by Eastern News Distributors, Inc., One Media Way, 12406 Rt. 250 Milan, Ohio 44848-9705

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Chronicles (ISSN 0887-5731) is published monthly for $39.00 (foreign subscriptions add $12 for surface delivery, $48 for Air Mail) per year by The Rockford Institute, 928 North Main Street, Rockford, IL 61103-7061. Preferred periodical postage paid at Rockford, IL and additional mailing offices. POSTMASTER: Send address changes to *Chronicles*, P.O. Box 800, Mount Morris, IL 61054.

The views expressed in *Chronicles* are the authors' alone and do not necessarily reflect the views of The Rockford Institute or of its directors. Unsolicited manuscripts cannot be returned unless accompanied by a self-addressed stamped envelope.

Chronicles
A MAGAZINE OF AMERICAN CULTURE

Vol. 22, No. 2 February 1998

Printed in the United States of America

On the Free Market

Llewellyn Rockwell's article "How the Market Stamps Out Evil" in the December issue was challenging. But whereas his superb philippic on the presidency in the October issue ("Down With the Presidency") left me baying at the moon, this time I was unconvinced. Can capitalism really be set against a tyrannical government as a force for good? Obviously in some ways it can, but as we approach the new century it seems more likely that government and capital will work together to advance evil.

Perhaps some of Mr. Rockwell's points can be turned against him. City and state government censorship bureaus in the 1920's led to the creation of the Hays Office, under whose aegis America produced her finest movies. When our rulers, the judiciary, deconstructed the First Amendment, and governments gave up legislating morality, the free market rushed in to fill the abyss—and the filth that Mr. Rockwell deprecates is the result.

In England, plays were censored by a government official, the Lord Chamberlain, until the late 1960's. With his demise came *Oh! Calcutta!* and the English theater fell into an orgy of nudity, foul language, blasphemy, and violence. So did the press—unregulated English newspapers are so loathsome that the entire country has become a vast sink of cockney whoredom and "lad-ism." But of course that is what the public wants.

As for rap music, the biggest selling singles right now are called "You Make Me Wanna . . . " and "Butt Love." Wal-Mart's CD bins may be profitable for Wal-Mart, and useful as a salve for the consciences of American parents, but their overindulged children will still search for the "hard" stuff—and find it, too.

I disagree with Mr. Rockwell that the market has saved us "from a series of malicious conspiracies," mainly because of the examples he gives. Dadaism, which became surrealism, is the dominant form in advertising, and has been for years: obviously it sells. As for serialism, Joe Public cannot tell the difference between a Berg tone row and a Bach toccata—he listens to Whitney Houston, tonal and awful. And we may not like "wacky looking buildings," but we are stuck with them because in the free (but not necessarily democratic) market, only two kinds of architect prevail, the wacky and the cheap. The free market hasn't saved us from anything. Buildings are still ugly, there is far too much music (of whatever kind), and art and advertising have coalesced.

There are other evils inherent in the free market. Mr. Rockwell praises credit, but Dante called it by its right name: Usura. The credit market punishes the weak and the foolish far more than it punishes the wicked.

I agree that liberal welfare policies have helped wreck American civilization—the free market would at least have left well enough alone—but I see little capitalistic encouragement for physicians to stick to their Hippocratic oaths or for CEO's to stop firing workers. And it is the free market allied with corrupt city government that has led to the disgraceful housing situation in cities like New York and San Francisco. Somewhere in Dante's hell there is a special torment reserved for thieving rental agents who hoard apartments and then "find" them for a hefty fee.

In a free market, it is the worst who thrive. Today the most profitable industries are all satanic: munitions, pornography, computers, drugs, high finance. The moment a new technology is invented, it is sold to the lowest-minded bidder. The Internet is already a vast bagnio of perversity—filtering programs are merely a way of making a little more money on top of the main profit. Fertility drugs (where is the Catholic Church?) gave us the McCaughey litter, which feeds the entertainment complex for a few days. And cloning? God help us all when the free market gets hold of that.

The free market has seduced and entangled what Mr. Rockwell calls the "imperious state" in a softer tyranny, a subtler wickedness. If the free market is too successful, many of us may become too comfortable to fight evil. *Radix malorum est cupiditas.*

—Mark Racho
Brooklyn, NY

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Mr. Rockwell Replies:

A charming and spirited letter, but Mr. Racho has fallen victim to a number of anticapitalist bromides. The movies were not destroyed by low-brow market tastes, but by government intervention. From the mid-1930's through the late 40's, the Federal Trade Commission, and the Supreme Court, bludgeoned the wonderful old free-market studio system that gave rise to the equally wonderful Hays Office. In its place, the antitrust police mandated independent ownership of theaters and production, thus separating the responsibility—moral and financial—that would naturally link moviemakers and movie theaters.

There were bad and immoral movies made then, and there are bad and immoral movies made now. The market won't put a stop to all evil, but it does force those with evil intentions to go about their misdeeds indirectly, namely, by convincing people voluntarily to cooperate with their plans. If Stalin, Hitler, Roosevelt, and Mao had been capitalist moguls with murderous dreams, instead of heads of state, they might have published grotesque novels or made bad films. But their ability to wreck havoc on society would have been limited by those they could have pulled into their profitable orbit, not by the numbers of troops they could draft into their armies. Therein lies the difference between government power (in which the ability to do evil is nearly unlimited) and market power (in which it is severely limited).

As to the rest of Mr. Racho's claims, it's rent control, not markets, that destroyed housing in Manhattan and San Francisco; I'm against abortion (and where would that industry be without government subsidies and restrictions on adoption?); I'm all for the right of CEO's to fire workers (far too *few* people get fired these days); I'm all for the Internet despite pervert.com (just as I'm all for books despite Foucault); and credit markets are a blessing (but abolish bankruptcy laws and bring back debtors' prisons). As for the claim that "the free market hasn't saved us from anything," I would mention hunger, disease, and barbarism, all of which would quickly prevail in its absence. Worse, we wouldn't have *Chronicles*.

On Homosexuality

In an otherwise cogent and incisive article ("The Last Respectable Bias," December), William A. Donohue somehow manages to dance all around, but never quite name, the one faction in our society that would go a long way toward answering his rhetorical question, "Why the cheap shots against Catholicism?" That faction, of course, is the militant and highly organized homosexual rights movement.

Does Mr. Donohue think that his example of the gay night club in Chicago called the "Convent," where the bartenders dress as priests, the waitresses as Catholic schoolgirls, and drinks named "Holy Water" are served in a "Hell Room," is just another case of garden-variety bigotry? Or that the gay-led vilification campaign against New York City's John Cardinal O'Connor and the blatantly open desecration of Catholic churches there is not also part of a long-term strategy unique to gays? Other recent examples in this vein are legion. Using their favorite mantra, "Stop the Hate!" as cover, gay activists and their p.c. sympathizers across the country pursue a genuinely hate-driven vendetta against Catholics and Protestant evangelicals. Again, the reason is obvious: while our major institutions—public schools, big media, Hollywood, and big government—have been supinely susceptible to blandishments and threats, only those of a strong, biblically based faith have remained immune to all the feigned moral outrage and propaganda trumpeting the line that homosexuality is a perfectly normal and wholesome "alternative lifestyle" deserving of equal standing with heterosexuality. Realizing that this is the one segment of society that can't be coerced into cooperating, gay activists are bending every effort to cheapen and marginalize traditional religion to the fullest extent possible.

Though not a Roman Catholic, I have long been an admirer of Mr. Donohue's dual talents of great investigative journalism and lucid expository writing. While not accusing Mr. Donohue of "gaining in maturity" (liberalspeak for caving), I do think that writing a lengthy article about anti-Catholic bigotry with nary a reference to homosexual activism is like writing about the perpetrators of the holocaust without mentioning Adolf Eichmann.

—*O.M. Ostlund, Jr.*
State College, PA

CULTURAL REVOLUTIONS

THE BIPARTISAN "nationalist" coalition which has been emerging in response to the cosmopolitan policies of the Clinton administration scored several notable victories in the week before Congress adjourned for 1997. The House defeated an attempt to extend NAFTA to the countries of the Caribbean and Central America. This measure was clearly linked to the corporate hunt for cheap Third World labor, since this region can't promise large markets for American-made exports. Firms which had relocated their factories to Central America wanted a "level playing field" with those who relocated to Mexico under NAFTA. Opponents cited last year's $16 billion trade deficit with Mexico to make the case against opening American markets to more imports. NAFTA needs to be corrected, not compounded.

A legislative package put together by Representative Chris Cox (R-CA) took aim at Clinton's trade-based China policy. All nine bills passed with over 300 votes each. Most of the bills dealt with human rights or national security issues, but others limited trade with firms using slave labor or connected with the Chinese military. Another bill cut off concessionary loans to China by the American-funded World Bank and Asian Development Bank. Transnational business opposed all the bills. Beijing has convinced business that only by working for appeasement can its investments in China be protected.

The struggle between national and private interests peaked in the battle over Clinton's request for a new grant of "fast track" trade negotiating authority. Under fast track, Congress would surrender

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its constitutional duty to regulate foreign commerce and be prohibited from amending presidential requests to change American law to conform with executive agreements. Just as executive agreements were conceived to circumvent the Senate's role in treaty-making, fast track is designed to cripple Congress's ability to guide trade policy.

In place of elected representatives, a host of private-sector advisory committees have been created. Former Clinton trade official Jeffrey Garten has admitted that "the executive branch depends almost entirely on business for technical information regarding trade negotiations." The transnationals have imparted to the administration their "globalist" orientation, which fits well with Clinton's Woodrow Wilson liberalism.

The House of Representatives is the natural place for a countermovement. The House is rooted in local communities, the building blocks of the territorial nation-state. While the media concentrated on the influence of labor unions and Dick Gephardt's presidential ambitions versus Vice President Al Gore, the bid for fast track could not have been derailed by these forces alone. The Republican Party, the ultimate "party of big business," holds a majority in the House, and its leaders remain solidly in support of Clinton's trade policy.

M O V I N G ?

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To defeat fast track, a block of Republican members had to form around a more traditional conservative perspective. About one-third of GOP House members can now be counted among its ranks. No vote was taken on fast track. Despite an all-out effort by the White House, GOP leaders, and an army of business lobbyists, the bill was pulled for lack of support. On the earlier vote against extending NAFTA, 83 Republicans had joined 151 Democrats to form a majority.

A poll conducted for the *Wall Street Journal* found that 76 percent of rank-and-file Republicans and 70 percent of independents opposed fast track. Unfortunately, the Republican half of the nationalist coalition in Congress has not yet gelled sufficiently to produce consistent majorities in the face of a party leadership still heavily influenced by liberal philosophy and transnational interest groups.

The data clearly show that the mounting trade deficits under Clinton have harmed the American economy, slowing growth and holding down incomes. With the crash in Asian markets making hash of the assumptions underlying the President's policies, the opportunity brightens for the nationalist coalition to solidify and make Clinton the lame duck he deserves to be. The open question is whether a presidential candidate will emerge by 2000 to carry the nationalist perspective to the White House, or whether the U.S. House will have to go it alone.

—*William R. Hawkins*

THE REBEL FLAG and Ole Miss go hand-in-hand—or rather, they did, until recently. The University of Mississippi's football team is named the Rebels, and students and alumni have had a long tradition of waving the Confederate Battle Flag at home football games. But the tides of time and political correctness have washed up on Ole Miss's shores, and this past fall, head football coach Tommy Tuberville, a longtime opponent of the flag, argued that Ole Miss would never win a national championship unless the flag disappears from the stands. His argument, used successfully by flag opponents at other Deep South schools, was that black athletes aren't willing to play for a team identified (however tenuously) with the Confederacy. Ole Miss's student senate—partially swayed by Coach Tuberville's argument but mainly pursuing its own agenda—passed a resolution to discourage the waving of the flag. But neither the coach nor the senate counted on the tenacity of Rebel fans. While some alumni responded to Coach Tuberville's scare tactics, Ole Miss students continued to show their school (and Southern) pride. Having failed to win their argument by persuasion, the student senate turned to force, voting to ban all sticks in the football stadium, ostensibly for reasons of public safety.

The senate's imperious action made some students' Southern blood boil, and they came up with ingenious methods to skirt the ban on sticks. Some attached their flags to cardboard tubes from drycleaners' hangers, while others used rolled-up copies of the *Daily Mississippian* (the liberal campus newspaper, which had supported the stick ban) as substitute sticks. The students were supported by a coalition of Southern heritage organizations led by the League of the South, which printed up 1,000 Battle Flag placards and distributed them to fans attending the Ole Miss-University of Arkansas game. The League ran out of placards in 15 minutes.

Buoyed by their success at the Arkansas game, the League organized a rally in support of the Battle Flag and to distribute 10,000 placards at Ole Miss's final home game. Despite threats of violence a few days before the rally, the League did not anticipate the intensity of the opposition that they would face. The opposition did not come from Ole Miss's black community—those attending the rally said that they received not a single complaint or rude comment from any black student, alum, or faculty member. Instead, it was led by a small but vocal coalition of self-identified gay, lesbian, and feminist students, who were aided in their cause by a single white supremacist with a megaphone. The estrogen coalition shoved League members who were handing out placards, ripped up some of the placards and threw them in the mud, and shouted obscenities. One League member, Israel Contreras, was even called a "Nazi."

Despite the opposition, many Ole Miss students and fans thanked the League for handing out the placards and brochures explaining the history of the battle flag. They understood that the controversy was not over white supremacy, but over the preservation of tradi-

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tion—both Southern and American. Southern symbols are not *anti-American*; they are the most visible and emotionally charged of *American* symbols. Should they fall, what will be next?

We already have the answer. The New Orleans School Board has changed the names of 22 schools over the past five years. Most recently, a public elementary school has been renamed after Dr. Charles Richard Drew, a black surgeon. Previously, this school had been named after a prominent Southern slaveholder—George Washington. Welcome to the brave new world, in which the Father of our Country is consigned to the memory hole.

—*Scott P. Richert*

THE CONGRESSIONAL MEDAL of honor (CMH) is our nation's highest award for valor under fire. The criteria are stiff: a deed of such exceptional bravery that failure to do it would draw no criticism; two eye-witnesses; and, above all, the risk of life. In our nation's history, we have awarded only 3,427 such medals. Of those, 568 were awarded posthumously. In other words, if you have a CMH, you did something heroic and extraordinary to get it, and there is a one-in-seven chance that you died doing it. (If you were a Marine, the odds were one-in-four.)

Until now.

Congress has recently required the Army and the Navy to tap the World War II honor rolls of our nation's *second* highest award for valor, the Distinguished Service Cross (DSC; in the sea services, the Navy Cross), for candidates for an upgrade to the CMH. One catch, however: potential upgradees must be of "Asian-American or Native American Pacific Islander" descent.

What started as a provision inserted by Senator Daniel Akaka (D-HI) into the National Defense Authorization Act of 1996, has become a full-blown research project—initiated last October—involving three full-time, professional historians working at the Presidio of Monterey.

It's not easy to discover the justification for this latest experiment in affirmative action. Scott Welch, the project's spokesman, was eager to discuss the team's findings to date (55 Filipinos, 53 Japanese-Americans, one Korean-American, and one Chinese-American won the DSC in World War II), but he is either unwilling or not permitted to speculate as to the underlying reason for the project. In fact, his boss, Dr. James C. McNaughton, the project's director, would not even let him reveal the amount of money that the taxpayers have coughed up for this project.

The Army's public-affairs office was only slightly more forthcoming. They revealed the size of their budget—over a half-million dollars—but when asked why the project existed at all, a Lt. Colonelette Tallon replied, "It's the law, Congress directed it."

But why did Congress direct it? The Navy's spokesman for their parallel project (also a woman) was more honest: "I have no idea. Who am I to second-guess the Congress of the United States? But sometimes I see these things and just shake my head." The Navy, out of some 3,500 Navy Crosses awarded, found only one possible candidate for upgrade under the provision: a Hawaiian destroyer captain, one of many ships' captains who got the Navy Cross in World War II. No upgrade was recommended.

John Tajami in Senator Akaka's office admitted that the law originated in affirmative action: in essence, because we were at war with Japan, a climate of prejudice may have prevented Asian-American soldiers from receiving due recognition for battlefield heroism. Might not a similar climate have adversely affected proper recognition of German-American war heroes? Tajami thought that was possible, but, to his knowledge, no one raised that question during consideration of the law. (In fact, Tajami could not remember any debate at all.)

We probably shouldn't look to Akaka to seek redress for under-recognized German-American (or Italian-American, for that matter) war heroes. As his spokesman pointed out (as did Welch), 15,000 German-Americans were not interned in camps during the war. (Nor, of course, did any German-Americans officially renounce their citizenship during the war, as some 5,000 Japanese-Americans did.)

What evidence is there that the Army discriminated against Asians in awarding the CMH? One test might be the number of Medal of Honor recommendations for Asians that were downgraded to a DSC. All servicemen know that zealous company-grade officers often recommend awards for their troops only to have them downgraded at the battalion or regimental level. But those hoping to prove discrimination in the case of Asian troops will find the data uncooperative: only six of the 53 DSC's awarded to Japanese-American soldiers (the Asian group toward which we might expect to find the most hostility) were originally recommended as Medals of Honor.

This upgrade project has not received the kind of attention that other military affirmative action schemes have. After all, a half-million dollars is a drop in the bucket of untold billions that the Armed Forces have spent trying to make everyone equal: everything from refitting heads on aircraft carriers to entrusting multimillion dollar aircraft to the unqualified. No lives will be lost as a direct consequence of upgrading a few medals. But the bits of cloth, as Napoleon put it, for which men are willing to sacrifice so much may now be worth a bit less.

—*Christopher Check*

CLYDE A. SLUHAN's death on November 6 deprived The Rockford Institute of one of its most devoted and effective patrons. One of the original directors of the Institute, Clyde had served a term as Board Chairman, and at the age of 85 was still an active member of the Institute's Executive Committee.

Born in Cleveland, Clyde grew up in the Lutheran Orphans' Home of Toledo where, as reported by his son Elliott, a profound belief in God and a dedication to service became central features of his life. The Campus Crusade for Christ, Jews for Jesus, and the Gideons were some of the organizations that benefited from his involvement and gifts.

After graduating from Ohio Wesleyan University with a major in chemistry, Clyde Sluhan worked in several manufacturing firms. His chief concern was how to create a better water-solvent lubricating/cooling fluid for high-speed metal-working machines. In an interview several years ago, he told how he labored "night after night, three and a half years, three and a half thousand tries," until he hit on the right formula for just such a fluid.

Once satisfied with the product, he founded Master Chemical Corporation in 1951. It eventually became a primary national supplier for automotive, aeronautic, and other industries involved in cutting and grinding metals. The success of the company in a competitive field was due to the high quality not only of the product but of the training programs in the sale and uses of the product

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that the company conducted across the country. Clyde himself attended these seminars, and his engaging personality and wealth of knowledge proved invaluable to his company.

His family was the centerpiece of Clyde's life. His wife Marian worked with him in the business from the very beginning, and she eventually served as Vice President for Administration and as Corporate Secretary. Bill Sluhan succeeded his father as President and Chief Executive Officer of Master Chemical. His two sons and a daughter, Sally Wright, and six grandchildren were a constant source of pride and delight to him. Clyde was so grateful for the blessings he had received that he wanted to do all he could to make sure that America would remain the land of opportunity for coming generations. Hillsdale College, the Heritage Foundation, and the Social Philosophy and Policy Center at Bowling Green State University were some of the institutions that benefited from his patronage.

On November 2, Clyde and Marian Sluhan flew to Chicago for the Institute's annual board meeting and the awarding of the Ingersoll Prizes. He had had serious heart problems for the past six months and was not feeling well. As it turned out, he was not well enough to attend either event, but returned home and entered the hospital. At the funeral service, Marian said, "He really wasn't well enough to make the Chicago trip, but he was so committed to The Rockford Institute that nobody and nothing could persuade him not to go. So he did."

—*John A. Howard*

THE JOHN RANDOLPH CLUB's eighth annual meeting was, by all indications, the most successful. Over 100 people from across America converged on the once-splendid Congress Hotel on Chicago's Lakefront for the three-day gathering, which included a black-tie dinner celebrating the 20th anniversary of *Chronicles*.

Continuing the John Randolph Club's tradition of debate between the partisans of liberty and the partisans of order, the meeting also expanded the debate into other areas. Addressing the question, "The Future of America: Nationalism or Secession?" from international, national, and regional perspectives, the speakers discussed growing tensions within the United States, as well as assaults on American sovereignty from without. The weekend began with a speech by John O'Sullivan, editor of *National Review*, who argued in favor of a vibrant American nationalism and warned the audience of the dangers of restricting free trade and failing to restrict immigration. On Saturday morning, Paul Gottfried and Srdja Trifkovic discussed federalism—both real and imagined—in Europe, while James Jatras examined "Fascism at Home and Abroad." *Chronicles* editors Chilton Williamson, Jr., and Bill Kauffman and League of the South President Michael Hill argued that America is a nation of regions, although they all agreed that those regions are rapidly losing their distinctive identities under assault from Washington, D.C., New York, and Los Angeles. Chicago columnist and radio personality Tom Roeser, in a lively luncheon speech, defended the "evils you know" in Chicago as preferable to the "evils you don't know" in Washington.

On Saturday afternoon, the speakers focused on particular issues facing America today. Rockford Institute Executive Vice President Christopher Check, formerly a captain in the Marines, described our "New World Army" as a failure in its traditional mission and a threat to American freedom, while E. Christian Kopff delivered a rousing denunciation of free trade ideology. Two distinguished legal scholars, Stephen Presser of Northwestern University and William Quirk of the University of South Carolina Law School, discussed remedies to curb the imperial judiciary. The afternoon was capped off by a heated debate over the question, "Nationalism or Secession?" Sam Francis and Chris Kopff took the nationalist side, while Thomas Fleming and Clyde Wilson defended devolution and insisted upon the use of secession as a political threat. While both sides agreed that a revitalized federalism is desirable, the nationalist team claimed that secessionist movements play into the hands of the centralizers, while the secessionist team argued that excessive nationalism can destroy regional and local identities.

To celebrate *Chronicles* 20th anniversary, the editors of *Chronicles* (and assorted friends) roasted the man who has guided the magazine for 13 years, Thomas Fleming. In a series of wicked (but moving) tributes, the roasters discussed Dr. Fleming's known affinity for neoconservatives, Swedes, and other upstanding folk. The roast ended on a flat note, when Chilton Williamson, Chris Check, and Scott Richert attempted (in vain) a rendition of two Gilbert and Sullivan parodies composed by *Chronicles* managing editor Theodore Pappas.

The evening ended with a call to arms by Tom Fleming, recently named President of The Rockford Institute. Declaring that "the age of exploration has ended, and the age of reconquest has begun," Dr. Fleming briefly sketched the failures and betrayals of American conservatives. He called for a revitalized American right, recaptured from "the cynics, hucksters, and blow-dried office-seekers who speak for the conservative movement." "Our first duty," he argued, "is to defend our religion, our heritage, our culture from the attacks of the multicultural left, of course, but also from the attacks of the universalist left, from conservatives like Sidney Hook and Bill Bennett who lie in telling us that Western civilization is a set of a few books and abstract principles, universal and open to anyone willing to take a few courses in citizenship and the great books." To a standing ovation, he declared, "The counterrevolution has begun."

EPICYCLES:

• Burn, Baby, Burn: While the Confederate battle flag has come under fire at Ole Miss, symbols of **Mexican nationhood** are increasingly prevalent in America. The Mexican national anthem was played at the groundbreaking of a bilingual public school here in Rockford. The Mexican flag has become a prominent feature at Hispanic political rallies such as Jesse Jackson's anti-Proposition 209 rally on the Golden Gate Bridge last fall. Not surprisingly, some Americans see the elevation of Mexican political symbols as an attack on American sovereignty. In Santa Cruz, California, a decorated Vietnam veteran, dressed in his fatigues, climbed to the top of the Santa Cruz Veterans Memorial Building and burned a Mexican flag. According to the Santa Cruz *Sentinel*, James Wainscoat, the president of the United Veterans Council, shouted "Viva California! Viva America!" while torching the flag. Interviewed by a local TV station, Wainscoat stated: "I was trained in special forces, military intelligence, and insurgency warfare, and what I see happening

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in the Chicano movement is a full-line insurgency. If it isn't addressed and stopped, they'll take the Southwestern states without a shot."

• Two Small Steps for Rockford: Citizens of Rockford are beginning to see the light at the end of the tunnel. Although the federal magistrate still controls the **Rockford school district**, his grip is weakening. Despite the best efforts of Rockford's political and media powers, voters elected two school board candidates who have vowed to fight the case all the way to the Supreme Court. And the day after the school board election, a state judge ruled that Rockford's tax protesters (told by Rockford's mayor, Charles Box, to "belly up and pay") have been right all along: the use of a special tax to raise $150 million for "discrimination remedies" is illegal. The federal magistrate, who had ordered the school district to impose the tax, may now turn to a federal tax; if he does, however, the case may go all the way to the Supreme Court, where legal observers believe the taxpayers will win. Watch these pages for further updates.

OBITER DICTA: The proceedings of the eighth annual meeting of the **John Randolph Club** were recorded. Each audiotape covers one session, while the tape of the *Chronicles* anniversary dinner includes Tom Fleming's rousing speech on reclaiming the American right as well as his comrades' hilarious roast of him. For prices and ordering information, please see the advertisement inside the front cover.

Richard Moore, a poet from Belmont, Massachusetts, has contributed three new poems to this issue. Mr. Moore is the author of nine books of poetry, translations of Plautus and Euripides, a book of literary essays, and a novel, *The Investigator*. His most recent book of verse, *Pygmies and Pyramids*, was published by Orchises Press. Mr. Moore gives frequent readings in the Boston area.

Chronicles is illustrated this month by **Stephen Anderson**, a folk artist from Rockford, Illinois, who was recently featured on the TV show *Wild Chicago*. Mr. Anderson, who is self-taught, is affiliated with the Phyllis Kind Gallery in Chicago and New York.

Are you looking for an extra copy of *Chronicles* to give to a friend? In **Washington**, check out the University Book Store, 990 102nd Avenue, N.E., Department 301, Bellevue; Barnes & Noble Superstore, 19401 Alderwood Mall Parkway, Lynwood; Bulldog News, 1103 N. 36th Street, Seattle; and Eagle Harbor Book Company, 157 Winslow Way East, Bainbridge Island. In **Oregon**, *Chronicles* is available at Borders Books, 2605 S.W. Cedar Hills Boulevard, Beaverton; Peterson's, 922 S.W. Morrison Street, Portland; Rich's Cigar Store, 820 S.W. Alder Street, Portland; Powells Bookstore, 1005 W. Burnside Street, Portland; and Barnes & Noble Superstore, Washington Square Too, 10206 Washington Square Road, Tigard. In **California**, Bay area readers can find *Chronicles* at Borders, 400 Post Street, San Francisco; Stacey's Bookstore, 581 Market Street, San Francisco; Juicy News, 2453 Fillmore Street, San Francisco; and Borders, 588 Francisco Boulevard West, San Rafael.

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Johannes Althusius, *Politica* (LibertyClassics). One of the foundational works of federalist theory.

James Madison et al., *The Federalist*. The classic defense of the Constitution.

Herbert Storing, ed., *The Anti-Federalist* (University of Chicago Press). A concise one-volume collection of writings in opposition to the Constitution. Read the letters by "Brutus" in conjunction with Hamilton's contributions to *The Federalist*.

Thomas Jefferson, *Public and Private Papers* (Library of America). Jefferson's concerns about the concentration of power helped lead to the Bill of Rights.

M.E. Bradford, *Original Intentions: On the Making and Ratification of the United States Constitution* (University of Georgia Press). The Constitution as a *Southern* document.

Clyde Wilson, *The Essential Calhoun* (Transaction). The concentration of power is not simply a 20th century phenomenon; Calhoun attempted to restore true federalism 150 years ago.

Raoul Berger, *Government by Judiciary: The Transformation of the Fourteenth Amendment* (LibertyClassics). The classic indictment of the Imperial Judiciary.

William Quirk and R. Randall Bridwell, *Judicial Dictatorship* (Transaction). How we got to where we are, and where we can go from here.

Stephen Presser, *Recapturing the Constitution: Race, Religion, and Abortion Reconsidered* (Regnery). A call to action.

***The Westerner*.** Walter Brennan plays Judge Roy Bean, "the only law west of the Pecos" and, like most judicial dictators, a complete scoundrel. It's a fairy tale with a happy ending: Gary Cooper kills the judge.

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Stephen Anderson

Anthems for Doomed Youth

by Thomas Fleming

Rockford is becoming for me what the Rouen Cathedral was for Monet or the village of Selbourne for Gilbert White: a place intrinsically no more interesting than any other but as worthy of close attention as any human community. Rouen Cathedral is beautiful, but Europe has hundreds, even thousands, of beautiful churches. Monet, by depicting Rouen in every possible light, weather, and season, made it his. For good or ill, I am making Rockford—a light industrial suburb of Garrison Keillor's Lake Wobegon—my own mythical universe.

One chapter in the ongoing saga of federal tyranny in Rockford is the construction of several superschools that will transfer more money from the hands of parents and children to the pockets of public contractors, lawyers, and education bureaucrats. The other day the undisputed king of Rockford talk radio interrupted my breakfast to ask what I thought of the groundbreaking ceremony for a planned magnet school. According to an announcement from the school district, the ceremony would begin with a playing of national anthems: first the American, and then the Mexican. I agreed to go on the program to discuss the implications, and as soon as the host read the announcement, the lights on his telephone lit up and stayed lit throughout the two hours I was in the studio.

The callers often prefaced their remarks with "I am shocked" or "I can't believe it." To me the only surprising part is the surprise itself. Magnet schools, which are supposed to attract ethnic diversity without coercion, ought to be called Venus Flytrap schools, because however sweet the nectar smells, the end result is death—death to community schools and parental influence and an end to the remote chance that students might learn anything but propaganda. The underlying assumption of all these programs that march under the banner of school choice (here in Rockford the magistrate and master call their system "controlled choice") is the Jacobin-Marxist conviction that the state rules and experts decide. Fathers, who were once regarded as symbols of sovereignty and divine power, are reduced to the status of taxpayers and laymen.

The token Republican columnist working for the Gannet machine's "Rockford" newspaper described the outraged callers as "xenophobes," a word he probably had to look up in the dictionary. What he neglected to mention is that one of the callers had a Latin American wife, another was a Mexican immigrant, and several claimed to have spent years in Spanish-speaking countries where they never expected to hear the "Star-Spangled Banner" played at soccer matches and never asked for their children to be given English-only instruction paid for by Spanish, Mexican, or Ecuadorian taxpayers.

What people objected to was not so much the celebration of Mexican cultural heritage as it was the explicit acknowledgment of dual loyalty and dual sovereignty. Flags and national anthems are not cultural expressions; they are statements of political allegiance. When radical students carried the hammer-and-sickle or the flag of North Vietnam or burned the American flag, everyone knew what they meant: they were renouncing their allegiance to the United States. When Chinese students, in "pro-democracy" demonstrations, waved American flags and set up models of the Statue of Liberty, the communist government interpreted their symbolic gestures—quite properly—as a threat to the regime.

No man can serve two masters, and Mexican-Americans can

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only be loyal to one country. They have to choose to be either American or Mexican, but this is exactly the choice that the Mexican government does not want them to make. The government of Mexico has lobbied furiously in the United States on behalf of NAFTA and against California's Proposition 187 denying welfare benefits to illegal immigrants. More recently, Mexico passed a law granting dual citizenship to Mexican immigrants who become naturalized citizens of the United States.

Mexican ethnic lobbies such as the League of United Latin American Citizens (LULAC) may profess loyalty to the United States, but most of their actions are directed toward making their followers an alien force within the body politic. In September, the California chapter of LULAC sounded the call for action against Ron Unz's initiative opposing bilingual education. Describing Unz as a "Silicon Valley millionaire" (rather than as the leading libertarian Republican in the state), LULAC condemned him for his "cynical strategy" in seeking the support of Hispanic families. Mr. Unz's cynicism consists in believing that Mexican-Americans will abandon identity politics and vote according to their self-interest—low taxes, good schools, the knowledge of English that is essential to economic success.

For LULAC leaders and their ilk, the game transcends politics, and they stand to lose more than influence if Mexican-Americans refuse to play their game. Ethnic lobbyists, who devote their careers to dividing Americans against one another, show no reluctance in accepting the federal tax dollars paid by all of us mostly European-Americans. In 1994, LULAC received a $750,000 grant from the U.S. Department of Education to "help Hispanics better understand their rights under the Americans with Disabilities Act." In the United States, this is what "education" means—teaching a minority of a minority how to buy their one-way tickets for a ride on the government gravy train.

The code-word for the bizarre labyrinth of preferences based on color, origin, sex, and style of kinkiness is "diversity." But real diversity—the living and breathing differences between families of different regions and cultures—is the enemy of the unitary state. To destroy it, masters and magistrates have to create a wax-doll substitute, a diversity based on artificial identities (like Hispanic or African-American) and a system of quotas that guarantees the destruction of any genuine ethnic heritage (especially the Anglo-American traditions that are the foundation of the nation). Once they have given us a number and taken away our names, they will be free to impose a unity whose ultimate source is the power of a military government to conscript its subjects into a national army of soldiers, Peace Corps volunteers, bureaucrats, welfare clients, and prison inmates.

As dependents, we become collaborators. Nice liberal judges and school superintendents destroy the lives of our children, sometimes with the best of intentions. "As individuals, as families, as neighbors, as members of one community, people of all races and political views are usually decent," but as a wise Chinese immigrant tells the hero of Dean Koontz's *Dark Rivers of the Heart*: "In large corporations or governments, when great power accumulates in their hands, some become monsters."

In one sense, America's rulers are playing the very ancient game of *divide et impera*. Julius Caesar, who coined the phrase during his conquest of Gaul, not only set Germans against Gauls, tribe against tribe, but succeeded in stirring up factionalism within the various communities of Gaul, all with an eye to preventing a common defense. Successful conquerors and empire builders, before and since, have used the same technique. Philip of Macedon was a master at dividing the Greek city-states, and in more modern times, separatist movements in Scotland and Ireland received aid and comfort from imperial Germany (in 1916 many Irish rebels were expecting a German landing) and more recently from the Soviet Union.

> If Americans ever do succeed in taking their country back, it will not be by joining the KKK or blowing up federal office buildings. They will have to rebuild their country in exactly the same way they built it the first time: neighborhood by neighborhood, city by city, state by state.

Communists also backed various black nationalist movements, including Martin Luther King, Jr.'s crusade for civil rights, and it was a legitimate fear among some English Tories that separatism and devolution, before the collapse of the Soviet Empire, were playing into the hands of Britain's (and America's) enemy. If the Soviets were still around, they would probably be infiltrating the Nation of Islam, LULAC, and perhaps the League of the South.

Of course, America's "divide and rule" tactics are somewhat unusual, being applied within the nation itself instead of against a foreign enemy. The parallels are instructive. Austrians and Hungarians found a variety of ways of preventing their Slavic subjects from developing a sense of solidarity. They jiggered borders, privileged one group against another, and even arranged or supported the internal colonization of their empire that turned the Balkans into an ethnic patchwork quilt. Stalin, of course, pursued a similar strategy within his empire, and the British in India did nothing to quell (and perhaps a great deal to incite) antagonisms between Hindus and Muslims. These were all imperial governments ruling over subjects they regarded as alien and inferior. But the same is true in the United States, where an alienated ruling class looks out from its high-security high-rises and moated suburban castles upon the helpless serfs and peasants whose only choice is to trade their liberty for the doubtful security of a steady job with benefits.

Here in Rockford, the Democratic machine, battening on contributions from public contractors, has done a good job of dividing the city against itself: East side against West, white against black, native-born against Hispanic immigrant. Playing the Mexican national anthem has the double benefit of making

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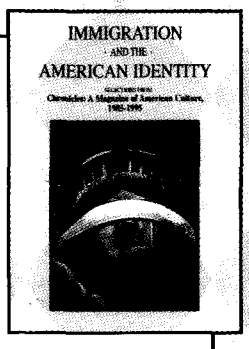
Mexican immigrants feel just a little less loyal to the United States and the locals just a little more hostile to the newcomers. Our national masters play the same game on a larger field, importing millions of immigrants to manipulate, passing affirmative action laws, and race-norming everything from the federal census to the number of Medal of Honor recipients. If they get what they want, we will all join one or another of the racist organizations that act, objectively, as if they were established by the FBI for the sole purpose of starting the race war our government will be more than happy to suppress by force.

Back here in Rockford, where it is difficult to find out the truth about anything going on in the city, the citizens reached the stage of quiet desperation some time ago. A few solid citizens have been ready to join the militia, but most (including me) were convinced that the machine was invincible. More recently, however, the machine has started to squeak and malfunction. In the close mayoral election of last spring, voter apathy (and the machine's superior organization) insured the defeat of a reform Republican mayoral candidate—but by a small margin. Only a few months later, a coalition of property-owners defeated a Superfund deal put together by the mayor, the EPA, and a few major industrialists. Then in October, voters woke up to discover that two rebel candidates had been elected to the school board (giving the antibusing forces a majority), and before the day was over, they learned that a state appeals judge had ruled in favor of a group that had sued the school district for misapplying tort fund money to "desegregation" expenses (thus potentially cutting off funds for the Master's social engineering).

As much as I hate to say it, the system can work occasionally. Last February, when we held a meeting to discuss and protest judicial taxation, our slogan was "vote, organize, and protest." That is exactly what has been done, with little or no help from me. There is a long way to go before the people of Rockford will be able to say that their city belongs to them, but they are headed in that direction. If Americans ever do succeed in taking their country back, it will not be by joining the KKK or blowing up federal office buildings. They will have to rebuild their country in exactly the same way they built it the first time: neighborhood by neighborhood, city by city, state by state.

They will undoubtedly be opposed every step of the way by the classes that own the government. Liberal Democrats and Republicans, it goes without saying, will be against them, but the leaders of the conservative establishment—Trent Lott and the *Weekly Standard*—just as much as Bill Clinton and the *New Republic*, fear the American people far more than they fear the aliens they are importing to fight their civil war.

REGARDING IMMIGRATION...



A publication of The Rockford Institute
232 pp., paper
$14.95 List Price (plus $2.50 for shipping & handling)

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—Peter Brimelow

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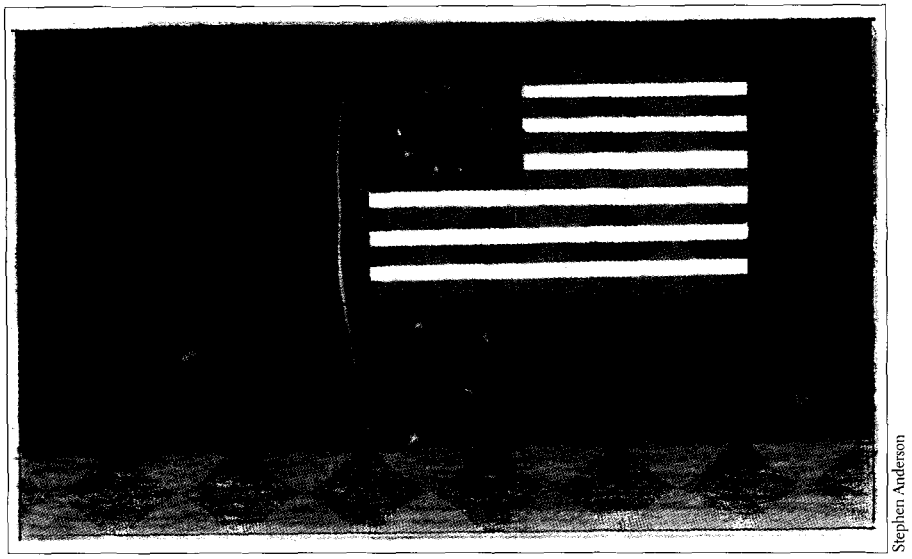
One Nation Divisible

by Donald W. Livingston



Stephen Anderson

Something extraordinary has happened over the last decade or so—something neither the Republican nor Democratic leadership seems to understand. A large and growing number of Americans are now openly saying that much of what the central government does is not simply wasteful, corrupt, and destructive but illegitimate as well. This year the central government will spend about $1.7 trillion, more than it spent (even adjusting for inflation) from the Revolutionary period through 1940. And next year it will no doubt spend more than that. But Americans are concerned not just that the spending of nearly two trillion dollars in one year by 435 "representatives" and 100 senators for an empire of 265 million subjects would lead to plunder and corruption; they are also concerned about how the money is spent.

The unprecedented power concentrated in Washington supports a universalist egalitarian ideology that is openly hostile to the inherited moral, religious, and cultural traditions of American society. Largely through the enormous patronage concentrated at the center, this ideology has come to dominate state governments, universities, and the media, and has had a corrupting influence on the mainline churches. Today Americans stand by impotently, but with smoldering resentment, as they watch their tax money being used to suppress or extinguish their own cultural inheritance. What is to be done?

A furor was raised over the November 1996 issue of *First Things*, in which a number of contributors argued that individuals should consider open resistance against the central government (especially the Supreme Court) in those areas where it had offended Christian conscience and natural law. Now, resistance in the name of conscience is not entirely to be despised, but it often leads to terrorism. John Brown did some thinking about natural law, and his conscience told him to murder innocent families in their sleep. He was greatly applauded by New England transcendentalists and by Northern universalist Christians who had lost their trinitarian faith, and he is still applauded by their progeny today. Things could get ugly indeed if this sort of "Christian" began to place his conscience in the scales against the rule of law.

But there is another form of resistance to federal tyranny not considered by the contributors to *First Things*—and one, moreover, that is constitutional. I have in mind the remedy that Jefferson, in the Kentucky Resolutions, and Madison, in the Virginia Report, called state "interposition." A state, as a sovereign political society that has delegated to the central government only enumerated powers, has the constitutional authority to interpose its authority to protect its citizens from tyrannical actions of the central government. Any genuine federal system that is serious about preserving the distinct moral cultures of its political units must allow some form of state interposition. But state interposition cannot be effective unless it can be enforced, and in a federal system this can only mean the ultimate right of a state to secede from the federation. The Canadian constitution, for example, through its "notwithstanding" clause, allows a province to nullify actions of the central government in the area of civil rights; and it is generally understood that a Canadian province can secede. It was through state interposition that 15 republics of the former Soviet Union were able to secede.

If American states have the constitutional right and, as Jefferson insisted, the constitutional *duty* to interpose their authority

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to check an unconstitutional act of the central government, why have no states exercised this right over the past 40 years or so, when violations of the reserved powers of the states, especially by the Supreme Court, have been so blatant as to defy belief?

One answer is that the enormous patronage concentrated in the central government has corrupted the states and rendered them administrative units of the center—an effect Hamilton said (and hoped) federal patronage would bring about. This is certainly true, but it is not the whole story. At some point in our history, many Americans came to think that secession of a state is ruled out by the Constitution; and without the right of secession, state interposition loses its force. But is it true that there is a constitutional prohibition to the secession of an American state?

There are two incompatible theories of the Constitution to which Americans have given their allegiance: the compact theory and the nationalist theory. The compact theory was the understanding of the Framers and was first given formal expression by Thomas Jefferson in the Kentucky Resolutions (1798). In this theory, secession is legal, for the Constitution is a compact between sovereign states, which created a central government as their agent and endowed it with only enumerated powers (mainly defense, regulation of interstate commerce, and foreign treaties). No branch of the central government can have the final say over what powers were delegated to the central government and what powers were reserved to the states because the central government is the agent of the compact and the states are the principals. As a sovereign political society, a state may interpose its authority to check an unconstitutional action of the central government and, as the last remedy, may recall those powers it had delegated and secede from the federation. As Jefferson put it in 1816: "If any state in the union will declare that it prefers separation . . . to a continuance in union, I have no hesitation in saying, 'let us separate.'"

The nationalist theory was a late arrival, first appearing in Joseph Story's *Commentaries* in 1833. The nationalist theory holds that the states were never sovereign. Upon breaking with Britain, the people descended into the philosopher's "state of nature." From this nonpolitical state, the American people spontaneously emerged as a sovereign political society. This sovereign people formed the Continental Congress, which authorized the formation of states as administrative units of the general will. Not being sovereign, a state cannot legally secede from the union any more than a county can, on its own, secede from a state. Though an elegant system, Story's jurisprudence was grounded in historical theses that are spectacular absurdities.

The former colonies did not lose their character as political societies by seceding from Britain. The Scottish philosopher David Hume wrote this memo to himself in the 1740's: "The Charter Governments in America are almost entirely independent of England." Each former colony declared sovereignty for itself. These new states formed the Articles of Confederation, and Article II declared that "each State retains its sovereignty, freedom, and independence." During and after the war, states exercised the powers of sovereignty: building navies, raising armies, issuing letters of marque, coining money (Massachusetts coined money as early as 1643), conquering British territory in their own name, and negotiating agreements with foreign powers. After the war each state was recognized by name by the British sovereign as a "free, sovereign, and independent state." States reaffirmed their sovereignty after the war, and New York, Rhode Island, and Virginia asserted their sovereignty in the strongest terms by writing into their ordinances ratifying the Constitution the right to secede. There is no question that if the nationalist theory had been put to these states, and they had been told that they were not and had never been sovereign states, and that once in the union they could not withdraw, there would have been no union.

It is true that Hamilton, Madison, and Wilson had proposed a nationalist constitution with federal control of the states, but they were soundly defeated. Madison's proposal almost wrecked the Philadelphia Convention, and Hamilton's proposal did not even receive a second. Having just seceded from Britain, the states were not about to consolidate themselves into an American version of a centralized British state.

This leads to the second thesis of the nationalist theory: that the union is perpetual and cannot be divided. The Supreme Court took up the question of secession in *Texas* v. *White* (1869) and, predictably enough, ruled that the Constitution does not permit the secession of a state. The Court reasserted the absurd nationalist doctrine that "the union created the states." To this it tacked on the statement in the Articles of Confederation that the union is "perpetual" along with the Preamble to the Constitution that declares the intention to build a "more perfect Union," and concluded: "It is difficult to convey the idea of indissoluble unity more clearly than by these words. What can be indissoluble if a perpetual Union, made more perfect, is not?" The force behind this conclusion, however, is more the cheers of a victorious army than the historical coherence of true constitutional reasoning.

If the union were indeed perpetual, as a matter of fundamental law, there must at least have been a solid history of union continuity. But there was no such history. Those who went to the Philadelphia Convention were authorized only to *amend* the Articles of Confederation. Instead, the delegates proposed a new constitution and abandoned the requirement of the Articles that any fundamental change would require the unanimous consent of the states. The new constitution would take effect if only nine states ratified it. Nine states did ratify, leaving North Carolina, Rhode Island, Virginia, and New York free to go it alone. Rhode Island refused to attend the convention, and by its veto made unanimous consent impossible. Rhode Island remained out of the union as an independent state for nearly two years.

That the union had been dissolved and was not perpetual was openly acknowledged. In the *Federalist*, Madison said that if some states refused to ratify, then "no political relation can subsist between the assenting and dissenting states," but he hoped that one day a "re-union" should occur. Many argued that dissolution of the union was justified because states had violated the terms of the Articles on a number of occasions, and as Madison put it: "a breach of any article, by any one party, leaves all the other parties at liberty to consider the whole convention dissolved." This is just the argument that Southern states would later use to secede from the union in 1860-61. Finally, the Preamble claims "to *form* a more perfect Union," and that, of course, is quite different from perfecting an old one.

Nor is the nationalist theory buttressed by the wording of the Constitution. The Preamble, with its reference to "We the People," was tirelessly used by Story, Webster, Lincoln, and in *Texas* v. *White*, and has been used since to support the con-

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tention that sovereignty resides in the American people in the aggregate. But the original wording of the Preamble was in the style of the Articles: "We the people of the State of New Hampshire, Massachusetts," etc. This wording passed unanimously, but was changed by the committee on style on the grounds that it was not known which states would ratify. The change was considered trivial and brought forth no response, as it would have had it carried the radical meaning with which nationalists later endowed it.

But perhaps nothing shows more clearly the absurdity of the nationalist theory than the manner in which the Constitution was authorized. It was not ratified by majority vote of the American people in the aggregate but by the people of the respective states. Each state ratified the Constitution for itself alone, with no authority to bind the people of another state. The question of whether the new union would be indivisible was not raised at the Philadelphia Convention. The would-be nationalists at the Convention had been soundly defeated. And, having just voted to dissolve a union said to be "perpetual," they were in no position to argue that the new union would be indivisible.

From the very beginning, and throughout the antebellum period, the Constitution was regularly described as a compact, the union as a confederation, and, most importantly, as an "experiment," implying that it was divisible. This idiom was publicly established by Washington in his Farewell Address: "Is there any doubt whether a common government can embrace so large a sphere? Let experience solve it." It is, he continued, "well worth a fair and full experiment." In only 60 years, experience would show conclusively that the experiment of the union, having swollen to some ten times the landmass of Washington's "so large a sphere," had failed.

Everyone used the language of the compact theory because it was natural to Americans. Under British rule, each colony negotiated directly with the Crown for its rights and duties. Having become states, each saw its relation to the other in terms of a compact. Would-be nationalists were compelled to speak of the Constitution as a compact between sovereign states. Consider the comforting words Madison had in the *Federalist* for those who feared the states would be swallowed up into a political marriage from which there could be no divorce. Ratification, he said, "is to be given by the people, not as individuals composing one entire nation; but as composing the distinct and independent States to which they respectively belong." Each state "is considered as a sovereign body independent of all others, and only bound by its own voluntary act. In this relation the new Constitution will . . . be a *federal* and not a *national* Constitution."

Hamilton explained, in *Federalist* 28, how a state could protect itself from federal tyranny. The people would have the authority "through the medium of their state governments, to take measures for their own defense with all the celerity, regularity, and system of independent nations." Even James Wilson could speak of the people of the states as sovereign: "those who can ordain and establish may certainly repeal or annul the works of the [central] government." These statements, by the most important of the would-be nationalists, speaking the language of the compact theory, contain all the elements necessary for the doctrines of state interposition and secession later developed by Jefferson and Calhoun.

Hamilton understood that these consequences did follow, which is why he called the Constitution a "worthless fabric." But he hoped that a clever administration, by concentrating patronage to the center, could "triumph altogether over the state governments and reduce them to entire subordination." In this he was right, but it would take time and would not be accomplished without violence and the first modern total war directed against a civilian population.

It is important to understand that the compact theory was the *only* theory for the first 40 years of the union. There were, of course, criticisms of this or that act of state interposition or threat to secede. But these did not constitute an alternative *theory*; they were typically counsels of prudence or entreaties to give the "experiment" a chance. In fact, Daniel Webster, who became an eloquent defender of the new nationalist theory, began his career as a New England secessionist.

But nothing shows more clearly the deeply established belief in the compact theory than the many acts of nullification and threats of secession in every section of the union throughout the antebellum period. State nullification was asserted in Jefferson's Kentucky Resolutions (1798) and in Madison's Virginia Report (1799). Connecticut and Massachusetts endorsed nullification in 1808 and in 1814. Vermont nullified fugitive slave laws in 1840, 1843, and 1850. Massachusetts did the same in 1843 and 1850, and declared the Mexican War unconstitutional in 1846. In 1859, Wisconsin asserted the supremacy of its supreme court over that of the U.S. Supreme Court (the latter has jurisdiction only over those powers delegated to the central government by the states). Northern governors used nullification to block the unconstitutional centralizing policies of Lincoln. And there were many other instances.

Secession was also considered an option available to an American state. The region that most often considered secession was New England: over the Louisiana Purchase in 1803, the embargo in 1808, over war with England in 1814, and over the annexation of Texas in 1843. From the 1830's to 1861, New England Abolitionists argued strongly for secession of the Northern states from the union. Typical was this declaration of the American Anti-Slavery Society: "Resolved, that the abolitionists of this country should make it one of the primary objects of this agitation to dissolve the American Union." It is for this reason that Abolitionists such as Horace Greeley and those who wrote for Frederick Douglass's *Douglass Monthly* could support secession of the first Southern states that formed the Confederacy. Jeffrey Hummel, in *Emancipating Slaves, Enslaving Free Men* (1996), has revived this Abolitionist argument that secession was the best way of dealing with the problem of how to end slavery.

Many of the strongest supporters of secession were Northeastern Federalists who had favored a nationalist constitution. If anyone was a nationalist, Gouverneur Morris of New York was. He was a major figure in the Philadelphia Convention and was disappointed in the Constitution, but he knew it was a compact between sovereign states and that secession was an option. In 1812 he published an essay in the *New York Times* calling for the secession of New York and New England to form a more perfect union. This essay led to the Hartford Convention in 1814 with the object of forming a New England Confederacy.

Federalist William Rawle was head of the Pennsylvania bar and a nationalist who was also disappointed in the Constitution. But he too knew that the Constitution was a compact from which a state could secede. His widely acclaimed *A View of the Constitution of the U.S.A.* (1825) was one of the first com-

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mentaries on America's fundamental law. It was the text on constitutional law used at West Point from 1825 until 1840. In it, Rawle outlines the steps necessary for the legal secession of an American state. By 1861 every Southern state had taken those steps.

Foreign writers who had studied the Constitution concluded that a state could secede from the compact. Tocqueville wrote: "If one of the States chose to withdraw from the compact . . . the Federal Government would have no means of maintaining its claims directly either by force or right." Lord Brougham, in his magisterial study of constitutions, published in 1849, taught that the American Constitution was a compact from which a state could secede. He described the union as a "treaty," a "Federacy of states," and as "the Great League."

John Quincy Adams, in his famous speech celebrating the jubilee of the Constitution (1839), went out of his way to argue that a state could secede. What holds "the several states of this confederated nation together," he said, is not "in the right" but "in the heart." Should common affection and interest fail, then "far better will it be for the people of the disunited states to part in friendship from each other, than to be held together by constraint." One must follow the "precedent" (Adams recognized, as *Texas* v. *White* would not, that the union had been dissolved before) "to form again a more perfect Union by dissolving that which could no longer bind, and to leave the separated parts to be reunited by the law of political gravitation to the center." Four years after this speech, the former President, along with other New England leaders, would call for the dissolution of the union over the annexation of Texas.

In the late 1850's, anticipating the secession of South Carolina, there was a movement in the mid-Atlantic states to form a "Central Confederacy." It would include such states as New York, Delaware, New Jersey, Virginia, Tennessee, Maryland, and connected states. Such a confederacy, it was argued, was the conservative and moderate core of the union; it could prevent war and provide a rallying point around which the disaffected states of the Deep South could one day return should they secede. Here was a splendid case of the Constitution under the compact theory working as it should. The sectional crisis between North and South could only be solved constitutionally by actions of the sovereign states themselves. The movement by prominent leaders to form a Central Confederacy was cut short by Lincoln's decision to send Massachusetts troops into Maryland. Blood was drawn, and states had to choose sides.

Virginia, Tennessee, North Carolina, and Arkansas had voted to *remain* in the union even after the Deep South states had seceded. They reversed themselves only after Lincoln demanded troops to coerce the seceding states back into the union. To these people, it was clear that the constitutional tradition they had inherited prohibited the coercion of a state. Hamilton had argued just this at the New York ratifying convention: "To coerce a state would be one of the maddest projects ever devised. No state would ever suffer itself to be used as the instrument of coercing another." But Massachusetts could and did. A new order of men had entered the world whose souls were shaped by the ideology of the French Revolution and the hubris of the Industrial Revolution which has everywhere demanded consolidation and centralization.

In none of the enumerated powers granted by the states to Congress in Article I, section 8 is there authority to prohibit secession. The only conceivable power is the authority to "suppress insurrections." And it was this power that Lincoln seized upon to justify coercing the seceding states back into the union. But an insurrection is an attempt to overthrow either the central government or the government of a state. The orderly secession of a state, authorized by the people in convention (the same instrument authorizing entrance into the union) is not an attempt to overthrow either a state government or the central government. It is an act of the people to withdraw those powers delegated to the central government and to govern themselves. This, of course, is a serious matter, but it is not insurrection. It was not prohibited by the Constitution in 1861, and it is not prohibited today.

So deep was this understanding that, when secession of Southern states seemed imminent, no less than three amendments were proposed to the Constitution to make secession illegal. By the Ninth and Tenth Amendments, what is not prohibited to the people of the states by the Constitution is permitted. The attempt to prohibit secession by an amendment is clear proof that secession was permitted by the Constitution.

Americans have yet to come to terms with the stark immorality and barbarism of the invasion of the Southern states to preserve the union. The war was the bloodiest of the 19th century, leaving 1.5 million killed, missing, and wounded. The moral question becomes insistent when considered in light of the peaceful secession of 15 republics from the Soviet Union and other peaceful secessions after 1990. Here in America was a union formed by secession from the Articles of Confederation, itself a union grounded in the secession of 13 self-proclaimed sovereign states from the British empire; a union in which the constitutional right of state interposition and secession had been acknowledged in every section throughout the antebellum period; a union only 70 years old that had swollen to some ten times its size in only 50 years and by that expansion had rapidly created new majorities, minorities, instability, and conflicts between great sectional interests; a union seeking to deal with a great sectional crisis in the way that was most continuous with its inherited constitutional tradition, namely, by peaceful secession of sovereign states by conventions of the people. Lincoln opposed this with a sophistical "nationalist" theory, not 30 years old, that inverted some 80 years of American constitutional experience with its perverse historical doctrine that the union created the states.

But the violence of war was not sufficient to destroy the federated polity of the Founders; though weakened, it remained intact. The Southern states were now ruled by Southerners loyal to the union; they returned their members to Congress and immediately ratified the 13th Amendment abolishing slavery. But when the 14th Amendment was floated in Congress, they rejected it, as did many non-Southerners, fearing that it would concentrate too much power in the central government. In hopes of getting the amendment ratified, and fearful of being reduced to a minority by a union of Southern and Northern Democrats, the Republican Congress expelled the Southern states, declaring them conquered provinces and placing them under military dictatorship. Nothing had changed in these states; if they had the authority to ratify the 13th Amendment, they also had the authority to vote against the 14th Amendment.

Lincoln had invaded the Southern states on the grounds that a state could not secede from a union that was perpetual, or-

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ganic, and indivisible: "indestructible states in an indestructible union," as *Texas* v. *White* would put it. This formulation was, of course, nothing but a mask for power, and it ignored the fact that Virginia had been dismembered without its consent and in violation of the Constitution to create the Republican state of West Virginia, and that Congress had dismembered the union itself by expelling the Southern states that in theory had never left the union and had just recently ratified the 13th Amendment.

Although there is no space to argue the point here, it seems clear enough that, even without the Southern states, the 14th Amendment was not legally passed by Congress. But even if it had been, Forrest McDonald has shown that it was not constitutionally ratified by the states. Yet this so-called amendment has been manipulated by the Supreme Court to turn the Constitution on its head through the "incorporation doctrine." This doctrine, through judicial alchemy, has transmuted the Bill of Rights, which was designed to protect the states from the central government, into a grim rod of antinomic liberal individualism used to subvert the independent political societies of the states. The arbitrary use that has been made of the 14th Amendment and the consequent destruction of the social fabric that has resulted from it is, nevertheless, a faithful imprint of the violence and arbitrariness of its birth, and indeed of the birth of the entire nationalist theory.

British philosopher Alasdair MacIntyre has observed that to read current decisions of the Supreme Court is to witness reenactments of Shiloh and Gettysburg. There is today no intellectually coherent American jurisprudence. The Constitution is a grant of authority by sovereign states to a central government endowed with only enumerated powers. Incoherence necessarily arises from trying to read this document as the constitution of a unitary state—as Story, Webster, Lincoln, and the gaggle of judicial activists spawned by the Warren Court have done.

Reform can only come through reviving the states as the substantial moral communities and constitutional agents they once were. Runaway judicial activism must be countered with the constitutional remedy of state activism. As far as the concentration of power at the center is concerned, it matters little who is President or which party controls Congress. The center will not (and perhaps, cannot) reform itself. Political energy must now be spent in forming a third party devoted to genuinely *federal* principles and in electing *state* representatives and senators endowed with the civic virtue to *reclaim* those powers the states have allowed to drift away and to interpose state authority to check unconstitutional action of the central government.

Such reform would of course overturn a large body of law and judicial precedent. But righting long-standing *constitutional* wrongs is more important than precedent. Nationalist liberals, in pursuit of a unitary state, have never worried about precedent. The Warren Court and the rush of judicial activism that followed it have overturned constitutional practices of more than 150 years. But the oldest of these usurpations is only some 40 years. Surely that is not a sufficient span of time to legitimize a massive corruption of American's fundamental law.

Some would acknowledge that usurpations by the central government have occurred, but would say that they were justified in the name of a "higher law" to eliminate racial and sexual discrimination. In a genuinely federated polity, there will be practices in some political units that will be considered unjust by those in other units; and it is understandable that those believing themselves to suffer injustice will be disposed to look for a remedy from the center. Consequently, there will always be a political market for concentrating power at the center in the name of human rights and for endlessly expanding the definition of human rights. Most of the totalitarian regimes of the modern period, from the Terror of the French Revolution to the Marxist regimes of the 20th century, have claimed to support human rights. What made them totalitarian was the destruction of those independent political societies (states, principalities, regional authorities, the Church) that had hitherto been a means of corporate resistance to tyranny from the center. The people were then free of any injustice these intermediate orders might perpetrate, but they were also bereft of their protection. What has prevented the American polity from becoming totalitarian is not the current liberal notion of an ever-expanding number of individual rights—for that has moved the regime decidedly in a totalitarian direction—but the stubborn survival of its federated character. This bulwark, however, is in disrepair and will not survive unless it is understood, politically acknowledged, and imaginatively cultivated by state governors and legislators.

There is indeed a "higher law" derived from the knowledge of things human and divine. And one of the many things it teaches is that, in a polity of 265 million souls, the moral evils that humans are inclined to pursue can be handled better in a genuinely federated polity of distinct political societies—each pursuing its own vision of the human good and in moral competition with other societies—than in a unitary state. In a regime of continental scale and size, a federation of states that preserve their distinct moral cultures, through interpositi on and secession, is *morally superior* to consolidation into a one-dimensional and dehumanizing unitary state. ◁C▷

An Historian's (Or Someone's) Apology

by Richard Moore

Sometimes I see the world much clearer,
more striking, in my rearview mirror.
I see, stalled in the traffic, that
the car behind me's an IXAT.

Its driver, in that world of facts he
lives through, supposes it's a TAXI;
but I can puzzle out each letter
as well as he, and I know better.

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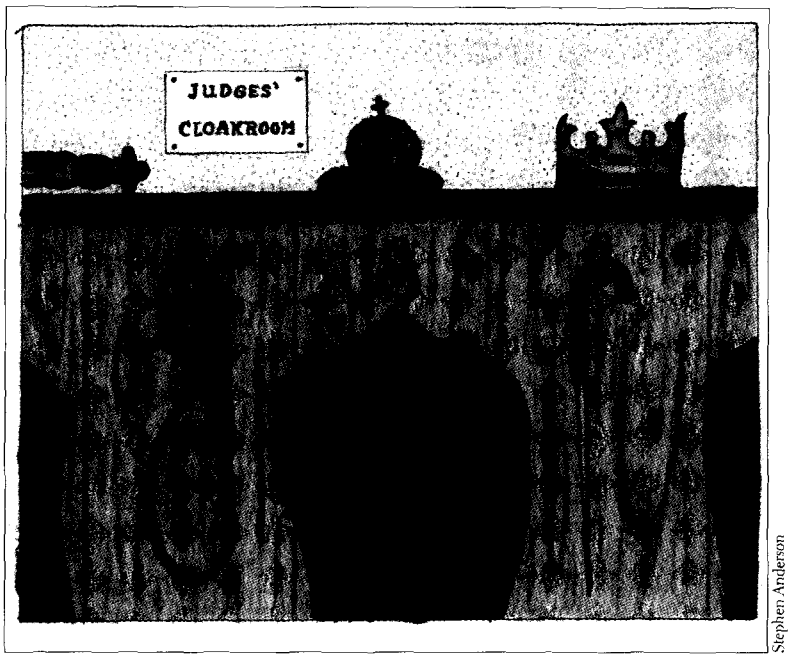
Judicial Tyranny and Constitutional Change

The Madison Amendment Process

by William J. Quirk and Robert M. Wilcox



Stephen Anderson

What one man in America can decide that prisoners in South Carolina need croquet fields and backgammon tournaments and order the state to provide them? What one man can decide that Kansas City schools need Olympic-size swimming pools, a planetarium, a model United Nations wired for language translations, a temperature-controlled art gallery, and movie editing and screening rooms, then issue $500 million in bonds to pay for them and double Kansas City real-estate taxes to pay for the bonds? If you answered, "a federal judge"—you are right.

The power wielded by these judges has provoked some remarkably frank criticisms of the judiciary. Federal judges are a "robed, contemptuous intellectual elite," according to Republican Senator John Ashcroft of Missouri. Ashcroft, chairman of a Senate Judiciary subcommittee, said he would hold hearings to examine situations "where the people's will has been set aside by the courts" and to design checks on activist judges. Representative Tom Delay of Texas wants to impeach judges who are "arrogantly overriding the people's will." These judges, he notes, have overturned referendums—dealing with immigration costs, affirmative action, homosexual preferences, and school busing—adopted by the people of California, Colorado, and Washington. Is Senator Ashcroft right? Have federal judges really become a threat to popular government?

Judicial taxation is a recent and extreme form of the judiciary's takeover of traditional state functions. But it is also a symptom of an even deeper problem—the virtually unlimited discretion of a federal judge to control public officials, and, in so doing, consolidate in himself all the functions traditionally performed by an entire government. The judge exercises the power to tax and spend in the manner of a legislature and then hires special masters with large staffs to execute his wishes in the manner of an executive. Is one man supposed to have that kind of power? Montesquieu said "virtue itself has need of limits" and that it "is necessary from the very nature of things that power should be a check to power." One wonders what Montesquieu would think of the following:

1. The Supreme Court, in its 1990 *Jenkins* decision (ordering new taxes to finance Kansas City magnet schools as part of a desegregation plan), found that a "court order directing a local government body to levy its own taxes is plainly a judicial act within the power of a federal court." Magnet schools are public schools of voluntary enrollment designed to promote integration by drawing stu-

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dents away from their neighborhood and private schools through distinctive curriculums of a high quality. The Supreme Court believes that a federal judge must be able to right any wrong he sees. Righting the wrong in this case apparently meant high schools in which every classroom will have air conditioning, an alarm system, and 15 microcomputers; a 2,000-square-foot planetarium; greenhouses and vivariums; a 25-acre farm with an air-conditioned meeting room for 104 people; a model United Nations wired for language translation; broadcast capable radio and television studios with editing and animation labs; a temperature-controlled art gallery; movie editing and screening rooms; a 3,500-square-foot dust-free diesel mechanics room; 1,875-square-foot elementary school animal rooms for use in a zoo project; and Olympic-size swimming pools. By 1995, the total cost of these judicially ordered improvements had soared to over $540 million. Desegregation costs have escalated and now are approaching an annual cost of $200 million. In Kansas City, "white flight" long ago emptied the city of middle-class homeowners, so the tax burden is predominantly paid by businesses who pass it along if they can.

2. Rockford, Illinois, is an old industrial city with plenty of remaining blue-collar and white-collar, middle-class homeowners. Putatively to avoid protracted legal fees, Rockford's school board did not contest a racial discrimination lawsuit. That was a mistake. A federal magistrate and his handpicked desegregation "master" set to work designing a new school system for the city. By the end of 1996, the magistrate had ordered $150 million in new property taxes. Rockford homeowners—who have lost control of their destiny—are furious.

3. Judicial taxation is taxation without representation, and that makes people angry. However, if a city council should resist and refuse to pass judicially ordered legislation, a federal judge can bankrupt the city. The Supreme Court, in the 1990 *Yonkers* case, approved contempt penalties of $1 million *per day* against the city until the council voted to place the public housing where the Court wanted it.

4. The Supreme Court, for more than 20 years, has authorized its district courts to use "equitable remedies" to undertake legislative and executive functions. The Court made this broad grant of authority in the 1968 *Green* v. *New Kent County* decision, which found that Virginia had an affirmative duty to integrate its school system pursuant to court-approved plans. Based on this decision, the federal courts have assumed control not only of schools but of prisons, mental hospitals, and public housing.

5. Judicial taxation does not seem analytically distinct from any of the other federal mandates which shape a state's spending power. In South Carolina, for example, a federal judge, pursuant to a consent decree, ordered prisons built and maintained at a level of comfort established by the ACLU Prison Project, which included croquet fields and backgammon tournaments. The judge did not order new taxes, but the effect is the same since the state budget must, to avoid a tax increase, be cut elsewhere (e.g., the state must reduce public school funds to provide court-ordered education for prisoners).

The Court, in the examples above, combines the judicial, legislative, and executive powers into a single person, but does it really have the authority to do so? To answer this question, we have to go back to the basics. "The ultimate question," Learned Hand wrote in 1958, "is whether the rights of individuals are safer in the hands of the majority than in the hands of appointed guardians." Hand believed a free society "will find its own solutions more successfully if it is not constricted by judicial intervention."

"If men were angels," James Madison wrote, "no government would be necessary," and "if angels were to govern men, no controls on government would be necessary." Lacking either condition, Madison assumed that we need checks and balances to limit power. Thomas Jefferson wondered if "man cannot be trusted with the government of himself, [can] he, then, be trusted with the government of others? Or have we found angels in the forms of kings to govern him?" Is it plausible, is it likely, that the Founders threw out an English king so they could be ruled by nine judges on a Supreme Court?

Chief Justice John Marshall in *Marbury* v. *Madison* (1803) asserted that his Court was the final authority on what the Constitution says. Because of Marshall, the guardians appointed to the Supreme Court have the last word on most of the important cultural, social, political, and economic issues facing the country. Marshall's theory of judicial review, Hand believed, was not supported by any language in the Constitution or in democratic philosophy. He thought judicial supremacy clearly violated the doctrine of the separation of powers, the centerpiece of our republic. Nonetheless, Hand thought judicial review should play a small role in a narrow group of cases to provide a final arbiter for clashes between the separate branches.

But the two ideas—majority rule and judicial supremacy—are, as Hand recognized, oil and water. The majority can rule or the guardians can rule, but they cannot both rule. Hand's effort at reconciling them was to say that judicial review should only be used *in extremis*—it would be confined to the need that evoked it.

According to this doctrine of judicial restraint, the courts could only govern us in cases of absolute necessity. The country prospered under this doctrine into the 1950's, but it depended on the cultural outlook of the individuals involved and their understanding that the independence of the judiciary would be lost if the limits of judicial power were not recognized. It was never an intellectually stable doctrine—it could not formulate a clear and valid criterion to describe when the Court would or would not intervene and govern. It was a self-imposed deference to the legislature with very elastic limits. But, despite its theoretical weakness, judicial restraint was very successful because it respected the constitutional obligations of the states and of the other two branches of government.

The current Court, for the most part, respects the constitutional obligations of the other two branches of government but not those of the states. The federal courts tell Kansas City and Rockford how to run and finance their schools; they do not tell Congress or the President how to perform their constitutional duties. The courts view the states as regional departments of the national government rather than the sovereign entities that won the Revolution and created the Constitution.

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Thomas Jefferson wrote to William Giles on December 26, 1825, "it is but too evident that the three ruling branches of that department are in combination to strip their colleagues, the State authorities, of the power reserved to them, and to exercise themselves, all functions, foreign and domestic." In other words, the separate national powers would naturally have more to gain by combining and cooperating than by clashing.

As Jefferson wrote in his *Autobiography* (1821), "Our federal judges are effectually independent of the nation." Jefferson believed that, though honest men are appointed to the judiciary, "all know the influence of interest on the mind of man and how unconsciously his judgment is warped—how can we expect impartial decision between the General Government, of which they are themselves so eminent a part, and an individual state from which they have nothing to hope or fear." The federal judges "are then, in fact, the corps of sappers and miners steadily working to undermine the independent rights of the States and to consolidate all power in the hands of that government in which they have so important a free-hold estate." As he wrote to William Jarvis in 1820, "Our judges are as honest as other men, and not more so."

Jefferson believed that majority rule should always prevail and that individual rights are safer with majority rule than in the hands of judicial guardians. He did not believe the Supreme Court had even the limited review power present in Hand's doctrine of judicial restraint. He also did not believe the Constitution made the judiciary supreme over the other branches, or over the states. The Constitution instead delegated authority to each of the separate and coequal branches. The exercise of any delegated power presupposes that the grant extends to the occasion that has arisen, and it is a necessary incident of the grant itself that the grantee shall so decide before he acts. The grantee may, of course, be wrong, but then he is accountable to the grantor and no one else.

The President, under Jefferson's approach, has a duty to execute only those statutes—and judicial orders—that he independently believes are constitutional, *regardless* of a Supreme Court decision to the contrary. The courts are supposed to enter such orders as they think proper and constitutional, but neither the President nor Congress, if they disagree, are bound to enforce them.

The Alien and Sedition Acts, passed in 1798, subjected friendly aliens to deportation and made it a crime to criticize the government or a government official. The federal courts upheld the constitutionality of the laws. Twenty-four people, mostly newspapermen, were seized and ten found guilty and jailed in a bloodless reign of terror. As soon as Jefferson became President in 1801, he exercised what he believed to be his constitutional duty and freed everyone jailed under the Alien and Sedition Acts, returned fines, and ended all prosecutions under them. He later wrote to Abigail Adams that the law was "a nullity as absolute and as palpable as if Congress had ordered us to fall down and worship a golden image; and that it was as much my duty to arrest its execution in every stage as it would have been to have rescued from the fiery furnace those who should have been cast into it for refusing to worship the image."

Under Jefferson's approach, if the branches disagree, they need to work it out. For our system to work smoothly, the three branches have to be in agreement—the legislature passes the law and appropriates the money, the executive carries out the law, and the judiciary should base its rulings on the law. Usually, the disagreement arises between Congress and the Courts. The President, in such a case, could act as tie-breaker. Conceivably, the three branches could take three different positions, something which strikes us today as very disorderly—and it is. But Jefferson did not see disagreement as a bad thing—it is the way difficult problems get worked out in a democracy. And, as Dumas Malone has noted, Jefferson's approach describes how our government actually worked until the eve of the Civil War.

Can Jefferson's approach be resurrected? It is attractive because it does not require any new statute or constitutional amendment, just a different outlook. It is making progress at the state level. In Washington, Representative Kathy Lambert has proposed a Jeffersonian "Balance of Powers Restoration Act," which would give the legislature power to review and overturn state supreme court decisions that invalidate acts of the legislature. The Governor could follow whichever opinion he agreed with until the people, in a referendum, make the final decision. At the national level, however, the Jefferson doctrine would probably only resurface if the Supreme Court is foolish enough to make a serious attack on presidential or congressional power—an unlikely scenario. As Jefferson noted, the natural expectation is that the Court will expand and enhance the powers of the other two national branches. And despite the complaints of some members of Congress, the other branches will not get into a fight with the Court over a state's rights issue that does not concern their own powers.

Congress, the main beneficiary of the Court's rulings, will never be serious about limiting the power of the Court. Indeed, Congress has successfully given the public the impression that, because of the separation of powers, it has no clear power over the federal courts. But the Constitution, in Article III, grants Congress almost *absolute* power over the judiciary. Congress created the lower courts in the first Judiciary Act and could abolish them tomorrow. Indeed, at the Constitutional Convention, a constitutionally mandated lower federal court system was debated and rejected. Congress also can withdraw the Supreme Court's power to hear appeals in whole or in part. If Congress does that, the Court is limited to its enumerated "original" jurisdiction—cases involving ambassadors and those in which a state is a party. Although the Constitution places the Supreme Court at its mercy, Congress has chosen not to use its powers.

What about a new constitutional amendment to prohibit judicial taxation? Unfortunately, judicial taxation is a symptom of a much deeper problem, and it is that problem which needs to be solved. Moreover, it is unlikely that Congress, which will not let the states vote for an amendment on term limits or a balanced budget, will propose an amendment to limit judicial power over taxes. But even if an amendment were ratified, its wording would be, to quote Jefferson, "a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please." What is a "tax"? What is an "increase"? What is "new"? The boring legal questions will roll on and on.

Yes, to overrule the Court by constitutional amendment, Congress must approve the amendment. But James Madison proposed a better solution which almost became part of the Constitution. Constitutional change, Madison argued, should be initiated by the states, and, if three-fourths of the states agree, the amendment should become part of the Constitution. That simple little amendment would change the nature of our democracy. If we had the Madison amendment process, we

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would have a more accurate gauge as to whether the people are in fact consenting to the decisions of the national government, especially those of the Court.

We should adopt Madison's solution to restore some consent of the governed and to provide a check on the Court and the federal government. Congress should not have any approval or veto power. As Madison said, "The assent of the National Legislature ought *not* to be required thereto."

Madison's Article V required Congress to propose an amendment on application of two-thirds of the states:

> The Congress, whenever two thirds of both Houses shall deem necessary, *or on the application of two thirds of the Legislatures of the several States*, shall propose amendments to this Constitution which shall be valid to all intents and purposes as part thereof, when the same shall have been ratified by three fourths at least of the Legislatures of the several States, or by Conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress.

Madison believed his amendment process was appropriate since the states—whose sovereignty had been established by the Treaty of Paris in 1783—were creating the Constitution and should, of course, be able to change it. Madison's version of Article V was not opposed until the Convention's closing hours on September 15, when Gouverneur Morris of New York presented an amendment that changed Madison's proposal into the never-used convention method we now have. Morris's motion deleted the italicized portion of Madison's proposal and replaced it with new language providing that Congress "on the Application of the Legislatures of two thirds of the several states shall call a Convention for proposing Amendments." Madison, apparently as a political necessity, acceded to Morris's change but noted that "difficulties might arise as to form, the quorum, etc., which in constitutional regulations ought to be as much as possible avoided."

Our present Article V, because of Gouverneur Morris, suffers from a fatal flaw. It makes Congress a gatekeeper under both methods for proposing constitutional amendments: under the first, Congress has a direct veto—two-thirds of both Houses must approve the amendment before it can be proposed to the states; and under the convention method, it is unclear what powers that convention would have and whether they could be effectively limited. Congress also has the power to fashion the call of the convention in a way to make a good result unlikely. The convention approach is so uncertain that it has not been, and never will be, used.

Article V requires Congress to consider proposals for limiting the power of the federal government. Gouverneur Morris's version of Article V twisted the basic constitutional legal relationship—instead of a delegation of power from a principal to an agent which, of necessity, would be revocable, the Constitution became a contract between the governors and the governed which could not be changed except by the mutual consent of both parties. The governors generally choose not to consent. In 1787, the states, like Dr. Frankenstein, built a creature and lost control of it.

The Madison Amendment process would give an accurate gauge of whether the people are really consenting to the decisions of the Supreme Court. The Court would decide cases just as it does now, but the people—through three-fourths of the states—would hold a deliberative vehicle to enable them to correct its errors. The amending power becomes a realistic check on the Court. Indeed, the existence of the power is itself a check.

The present amendment system—because of the congressional gatekeeper—grants the three national branches of government a practical immunity from change. Since the first 11 amendments were adopted, only one amendment, the 22nd (presidential term limits), has curtailed the power of a national branch. (The 27th, the ban on Congress raising its own pay, does also, but by its peculiar history—proposed in 1789 as part of the original Bill of Rights and adopted in 1992—it effectively avoided the restraints of Article V.) The remaining amendments cover housekeeping (electoral college, presidential succession), and at least one, the 16th (income tax), adds a major new national power. But most amendments limit the power of the states—the direct election of senators (previously elected by the state legislature), Prohibition and women's suffrage (previously state issues), anti-poll tax, and the extension of the franchise to 18-year-olds.

Congress is willing to propose amendments which will weaken state power if ratified. But, as the proposed amendments for term limits and the balanced budget show, Congress will not give the states and the people the opportunity to ratify amendments limiting national power. Congress prefers that the Court, rather than the amending process, act as our system's agent of constitutional change. The present clause is a one-way street. Madison's amendment process would make the street two-way. The states would be able to amend the Constitution without first obtaining the consent of the government they want to control.

The Madison process would focus debate on federalism and our current government. Perhaps the states would wish to reexamine the sweeping, nationalizing decisions of John Marshall and the more recent decisions that have turned the states into regional offices of the federal government. Perhaps they would choose a different role for the national judiciary. Whatever the people decide, the Supreme Court would no longer have the last word. A state-initiated amendment process would provide the constitutional system Madison wanted, one that is more balanced and based on self-rule. We would then be able to approach Jefferson's goal of a government that is as good as the people. ◁c

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On the Carnival's Last Day

by Richard Moore

I've often heard the Ferris wheel's
cacophony of female squeals
and, also interesting, have then
observed a gang of clever men
pulling the stupid thing apart,
heedless of beauty and of art.

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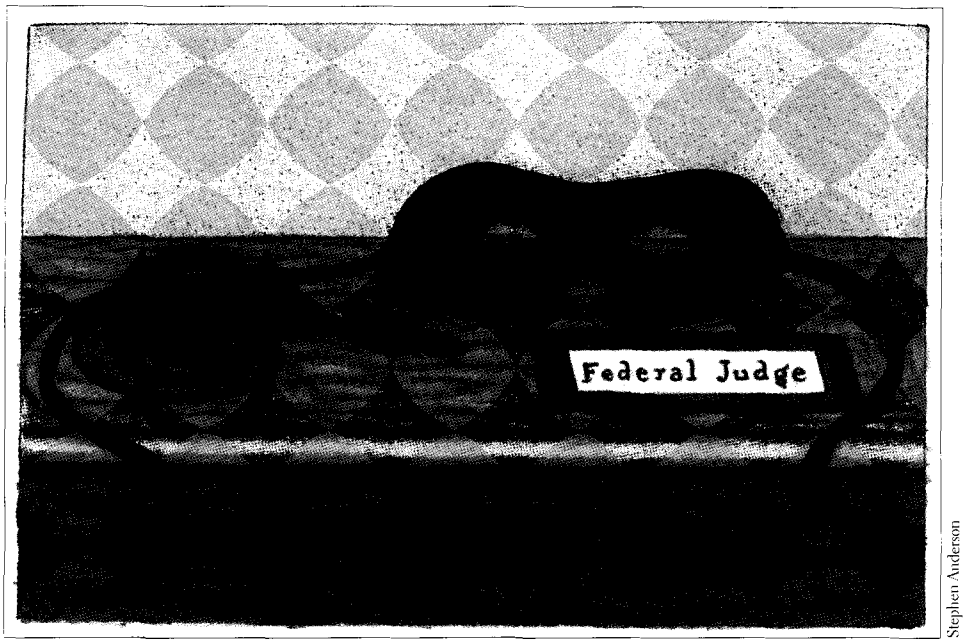
Judicial Taxation

The States Respond

by John R. Stoeffler



Stephen Anderson

The Madison Forum was founded in 1993 by Missouri State Senator Walt Mueller and me for three reasons. First, we wanted to respond to the Supreme Court's claim in *Missouri* v. *Jenkins* (1990) that the federal judiciary has the authority to levy or increase taxes. We believe this constitutionally baseless assertion by the Court poses a direct threat to our democracy.

The second reason concerned the federal judiciary's "attitude problem." This "attitude," reflected in the Court's decision in *Jenkins*, was made clear to us in a 1994 meeting we had with Federal District Judge Russell G. Clark, who oversaw the *Jenkins* case for over ten years and levied the controversial tax which nearly doubled the property taxes in Kansas City, Missouri. Clark had no patience with the argument that the authority to tax is vested in the legislative branch alone, saying that if the Supreme Court declares the judiciary's right to tax, then this power is constitutional, period. When I said that he would have us believe that the Court could declare a rainy day to be sunny, Clark replied: "It may be raining outside, but if the Court says the sun is shining, then the sun is shining. What you believe makes no difference."

The third reason has to do with Congress. In *Federalist* 33, Hamilton stated: "What is the power of laying and collecting taxes, but a legislative power?" And in *Federalist* 81, he pointed out that it was an impeachable offense for the judiciary to usurp a legislative power. But Congress, being fully cognizant of the Court's decision in *Jenkins*, has neglected or refused to address this usurpation and exercise of what has been by custom, history, and tradition a legislative function.

In his defense of *McCulloch* v. *Maryland*, Chief Justice John Marshall observed that the exercise of the judicial power to decide all questions "arising under the Constitution and laws" of the United States "cannot be the assertion of a right to change that instrument." Former Chief Justice of Missouri Robert T. Donnelly narrowed that perspective further when he stated: "If, in fact, the United States Supreme Court is exercising powers without the consent of the governed—the people—then the rights it purports to secure in their name are counterfeit—its benevolence a fraud."

We contend that in *Jenkins* the Court committed what amounts to judicial fraud by declaring that the District Court did "satisfy equitable and constitutional principles governing the District Court's power." This usurpation of power by the judiciary is even more staggering when one remembers that it took the 16th Amendment to the Constitution to empower even the *legislative branch* to tax the people.

The Madison Forum has therefore asked each state to petition Congress for an amendment to the Constitution which would check this usurpation of power by the federal judiciary. To date, the following states have sent Congress such a request: Missouri, Tennessee, New York, Colorado, Louisiana, Alaska, Massachusetts, Arizona, South Dakota, Nevada, and Michigan. In addition, the American Legislative Exchange Council adopted a model resolution which will be forwarded to the states this year.

Proposing a constitutional amendment may seem like

John R. Stoeffler writes from St. Louis, Missouri. A version of this article was presented at a Heritage Foundation conference on judicial taxation.

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putting the cart before the horse. But consider the following and then decide whether our solution to ending judicial taxation is, under the circumstances, reasonable.

Following the Court's 1990 ruling in *Jenkins*, Senator John Danforth of Missouri actually proposed our idea of amending the Constitution for the purposes discussed above. Congress held hearings on the idea, and several members objected. They indicated a preference for exercising Congress's power, under Article III of the Constitution, to end the taxing authority of the federal judiciary by statute. There was a lot of talk, but no legislation materialized.

In May 1992, I traveled to Washington to determine the seriousness of Congress's interest in this issue. Congressman Henry Hyde, a member of the House Judiciary Committee, was quite candid with me: "While I am sympathetic to your concern, on this issue, quite frankly, Congress just doesn't give a damn." He was right. It turns out that when the budgets of the states are jeopardized by unfunded judicial mandates, Congress could not care less. But when Congress's fiscal turf is faced with such a threat, well, that is another story.

In 1994, while a balanced budget amendment was still in the planning stage, Senator John Danforth cautioned his colleagues: "A balanced budget amendment would be a disaster if federal courts were able to increase taxes or cut spending." The following year, during debate on the balanced budget amendment, members of Congress expressed concern that the amendment might allow the judicial branch to inject itself into the federal budget process. Senator Paul Simon stated: "I don't think that will happen in the immediate future. I'm not sure but that 30 or 40 years from now the Court might not be in a position to order Congress to comply." Others, including Senator Robert Byrd, former Senator Tom Eagleton, and syndicated columnist James Kilpatrick expressed similar concerns, and Senator Sam Nunn admonished those who doubted the judiciary's interest in expanding its power: "If you don't think this is a danger, look at the Missouri case."

Last year, Republican Congressman Jim Talent of Missouri introduced House Joint Resolution 167, which proposed "an amendment to the Constitution of the United States to limit the judicial power of the United States." He could find only a handful of cosponsors. Senators Strom Thurmond and Bob Dole tried, with Senate Bill 17908, merely to preclude "the lower Federal courts from issuing any order or decree requiring imposition of 'any new tax or to increase any existing tax or tax rate.'" But this bill only addressed *new* taxes while letting current judicial tax orders stand. We believe judicial levying of *any* tax is unconstitutional. Leaving current judicial tax orders intact gives credibility to the Court's assertion that it acted constitutionally. Others members of Congress countered with legislation—such as House Resolution 3100 and Senate Bill 1817—that would legitimize the judiciary's authority to tax. Both bills allow the federal courts to encroach on the legislative branch's traditional and constitutionally mandated turf; both permit the judicial branch to add force and will to their judgments. But in *Federalist* 78, Hamilton stated that the courts were "to have neither FORCE nor WILL, but merely judgment." He warned that there would be "no liberty, if the power of judging be not separated from the legislative and executive powers."

I mentioned earlier that there are members of Congress who have expressed a preference for addressing grievances by statute rather than by constitutional amendment. This would be fine if statutes worked, but the record shows otherwise. Congress has repeatedly passed balanced budget acts (most notably Gramm-Rudman-Hollings) only to violate both the spirit and the letter of the law. More importantly, the Supreme Court can declare statutes passed by Congress to be unconstitutional. In *Bowsher* v. *Synar*, for example, the Court ruled that certain provisions of Gramm-Rudman-Hollings called for specific budget cuts that were executive functions, and therefore vested an executive function in a legislative branch officer, thus violating the separation of powers. Despite having taken this position in *Bowsher*, it took only four more years for the Court to trample seven centuries of history—from Magna Carta (1215) through the English Petition of Right (1628), the Fundamental Orders (1639), the English Bill of Rights (1689), the Declaration of Independence (1776), *The Federalist* (1787-88), France's Declaration of the Rights of Man and of the Citizen (1789), the Confederate Constitution (1861), and the 50 state constitutions of our union—and to usurp the power to tax, clearly a legislative function, without the consent of the people.

> Unless circumstances change, a constitutional amendment is the only viable remedy to judicial taxation.

Michigan State Senator Loren Bennett introduced Senate Current Resolution 273, which calls upon Congress to send to the states an amendment to the Constitution which would end judicial taxation. "What would be the point of our last 21 tax cuts," he said, "if we allowed the courts to indiscriminately raise taxes? This practice is dangerous and must stop now." Arizona State Senator Marc Spitzer, sponsor of Arizona Senate Concurrent Resolution 1014, was just as emphatic: "We need to send a message that the people of this country do not approve of Federal judges sitting as 'Super Legislators.'" Spitzer understands that, unlike a statute, a constitutional amendment is definitive and final. It is the only way to stay the judicial hand when judges and Congress ignore the separation of powers. The amendment we propose reads:

> Neither the Supreme Court, nor any inferior court of the United States, shall have the Power to instruct or order a State or political subdivision thereof, or an official of such State or political subdivision, to levy or increase taxes.

It is an undeniable truth that taxation is a political power. The Founders clearly intended that power to be exercised by the branch of government closest to and directly accountable to the people, namely, the legislative branch. Unless circumstances change, a constitutional amendment is the only viable remedy to judicial taxation. c

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Chronicling the Fall

by Scott P. Richert

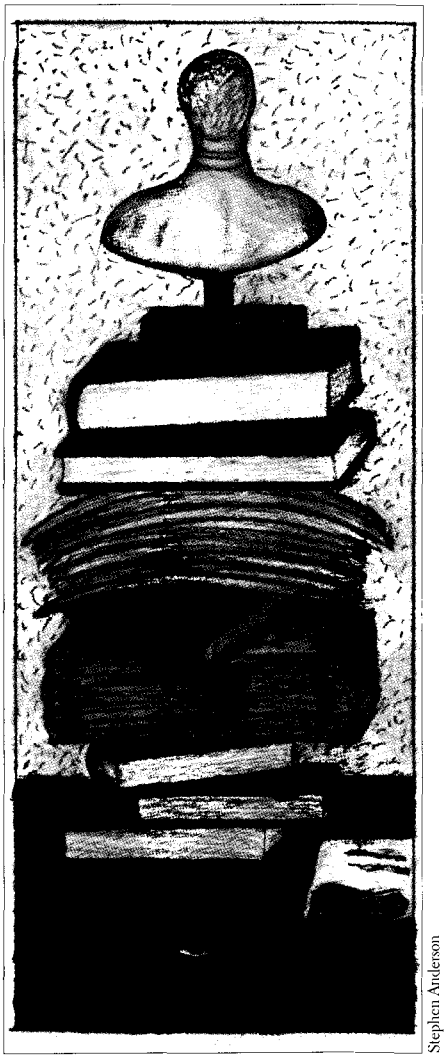
"Folly is often more cruel in the consequences than malice can be in the intent."
—Halifax

Notes from the Underground: The Whittaker Chambers-Ralph de Toledano Letters
edited and annotated by Ralph de Toledano
Washington, D.C.: Regnery Publishing, Inc.; 342 pp., $24.95

◆

The correspondence of Edmund Burke, whose letters help to illuminate his published works, was not available in a complete edition until 1978. Today, however, it seems that every aspiring journalist begins saving his correspondence even before his first word-processed piece is published. If current trends continue, we can look forward in the near future to definitive editions of the correspondence of Francis Fukuyama and Bill Bennett (ghostwritten, in the latter case).

John Lukacs has remarked that inflation characterizes modern life, and the explosion of published works of correspondence is just one sign of that inflation. Of course, inflated money is still worth *something*, and some of these volumes are actually worth reading. The recent collection of the correspondence between Lukacs and George Kennan, *George F. Kennan and the Origins of Containment, 1944-1946*, is indispensable for those who wish to rise above ideological categories and to place the Cold War in its proper historical context. The correspondence between two Ingersoll Prize winners, Shelby Foote and Walker Percy, is of similar interest to students of Southern history. Not all works of this type, however, are worth sacrificing the lives of trees. At an American Political Science Association annual convention a few years back, I attended a session devoted to the (then) newly published correspondence between Leo Strauss and Eric Voegelin. The highlight of the panel was a paper by a Straussian Voegelinian (or perhaps he was a Voegelinian Straussian) expounding the esoteric meaning of Strauss's apologies, in his letters to Voegelin, for writing on scrap paper.


Stephen Anderson

Happily, *Notes from the Underground* is one of the more interesting works of this genre, even though there are no major revelations about the Alger Hiss trial. In fact, most of Chambers' comments on political events will surprise no one who has read William F. Buckley's *Odyssey of a Friend* (another volume of Chambers' correspondence), Allan Weinstein's *Perjury: The Hiss-Chambers Case*, or Sam Tanenhaus's *Whittaker Chambers: A Biography*. But these letters, exchanged between two close friends on the anticommunist right, constitute a valuable period piece that gives depth and texture to an era that most people today view only through the distorting ideological lens of the Reagan years.

That era saw a different politician rise to national prominence on the strength of his anticommunist credentials. Whittaker Chambers and Ralph de Toledano began their correspondence in 1949, while Toledano was covering the first trial of Alger Hiss for *Newsweek*. Some of their earliest letters discuss Richard Nixon's speech on the floor of the House of Representatives following Hiss's perjury conviction, a speech which, in Toledano's words, "shook Congress and placed him in the center of the national political stage." Their last letters were exchanged a few days before Nixon was defeated by John F. Kennedy in the 1960 presidential election and temporarily departed center stage. Along the way, their correspondence paints a picture of Nixon that is more subtle and complex than standard conservative interpretations. While acknowledging Nixon's political strength and his early devotion to the anticommunist cause, both Chambers and Toledano begin to doubt Nixon's devotion to his friends, a charac-

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ter flaw that ultimately would lead to Watergate. In May 1959, Chambers, discussing Nixon, wrote to Toledano:

> The world is rather sensibly ordered . . . among lions and mice . . . . But . . . I question the wisdom of . . . the Lion who seems not to grasp the workings of that order . . . . Or who forgets what mice meant to him in the inglorious days, and may mean again. . . . I think the Lion has forgotten that even summer days are interspersed with, and sometimes terminated by, the night of the hunter. Then the Lion may roar: "Mouse! Mouse!" but finds he is lord only of the closing jungle, or a veldt whose false peace dissembles the nets no mouse will gnaw him free of, while the treacherous forms circle softly in.

Chambers exhibits a similar ambivalence about Senator Joseph McCarthy. In a gloss on one of his own letters from 1951, Toledano writes that Chambers told him privately that "Joe is sometimes a rascal, but he's our rascal." In a letter from 1954, Chambers discussed the tactics of anticommunists. While clearly unhappy with those who seemed not to put up much of a fight, Chambers was also concerned about others whose tactics could be self-destructive:

> Why is it that every time I move in at the risk of my skin and drop a grenade through the slit in the pillbox, our side rushes off into the bushes . . . while the others, who at least know what a grenade is when they receive one, swarm out shooting? The answer is: our side does not know the nature of the enemy, therefore, the nature of the war he enjoins, therefore, the nature of the tactics. So the simple tactic of exploiting an opening is inconceivable to them. . . . Senator McCarthy's notion of tactics is to break the rules, saturate the enemy with poison gas, and then charge through the contaminated area, shouting Comanche war cries.

The supposed triumph of "conservatism" that culminated in Ronald Reagan's eight-year reign did much to obscure the political and intellectual history of the American right in this century. Those who find it surprising that Chambers may have disagreed with Nixon and McCarthy on questions of friendship and tactics will be even more disturbed to read Chambers' comments on Hannah Arendt and Ludwig von Mises, two other heroes in the conservative pantheon. "Miss or Mrs. Arendt," Chambers wrote in 1953, "appears to be one of those Central European women who has read too much and has nothing to sustain it except an intensity which shakes her like an electric motor that is about to shake loose from its base." Responding to Chambers' perceptive assessment of Arendt, Toledano nonetheless pointed out that Arendt did have a base: "Mrs. Arendt is married to a man whose ex-ness is in a very dubious state. As a result, in attacking ex-Communists, she is protecting a vested interest."

While Chambers did not question Ludwig von Mises' ability as an economic theoretician, he roundly criticized Mises' *The Anti-Capitalist Mentality*:

> I should consider it one of the most pernicious pieces of writing that the Right has produced. . . . By pernicious I mean the effect that follows when a mind, which speaks with authority in a special field (economics), uses that authority (but not the field it is based in), to offer a false study of our dilemma. The result of this (insofar as its silliness is not self-evident) must be to mislead thousands about the nature of that dilemma. . . . This grossly shallow man has left the field of economics for the field of mass psychology. He has proclaimed, rather than deduced, that the anticapitalist mood of our time is the result of "envy and ignorance." . . . Marx himself pointed out that poverty is never aware of its condition until wealth builds a house next door. In this sense, von Mises's capitalists are all Marxists; they have erected the unsettling contrast into the operating principle of the mass market.

Whether we agree or disagree with Chambers, his arguments with Arendt and Mises were not merely over tactics; they followed from first principles. And yet, like the Greeks who incorporated into their pantheon the gods of the peoples they conquered, or the Straussians who proclaim anyone that they admire a "philosopher" (and anyone they dislike, a "believer"), conservatives over the past 20 years or so have held up mutually contradictory figures for emulation. (I'm certain it would not take very long to find an article in a back issue of, say, *National Review*, praising Chambers, Arendt, and Mises, without the faintest hint of irony or the slightest suggestion that the three represented radically different views.) For an intellectual (and even a political) movement to survive, it is as important to exclude certain figures as it is to include others. When the pantheon becomes too large, intellectual incoherence and political impotence are the likely results.

Lacking an historical sense, the American right has floundered. If it is to evolve into a serious intellectual and political movement, its leaders must reexamine their pantheon. But to do so, they will have to relive the debates over first principles that the "one big happy family" conservatism of the Reagan years sought so desperately to avoid, and that the current neoconservative hegemony forbids. *Notes from the Underground* reminds us that the American right once took first principles seriously. For that reminder, we should thank Ralph de Toledano for this book.

Notes from the Underground

"When the Berlin Wall came down and the Soviet Union, the 'evil empire,' collapsed, the question was asked: Would Whittaker Chambers still believe that he had left the winning side for the losing side? Long before that day, he had seen that the struggle was no longer between Communism and Western civilization, but one in which Western civilization was destroying itself by betraying its heritage. Were he living today, he would see in the flood and tempest, the fire and the havoc of nature, a sign that perhaps God was telling us something."

—from the Afterword by Ralph de Toledano

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Against the Pessimists

by Philip Jenkins

America in Black and White
One Nation, Indivisible:
Race in Modern America
by Stephan Thernstrom and Abigail Thernstrom
New York: Simon and Schuster; 704 pp., $32.50

◆

America in Black and White is an ambitious project, at once a massively detailed review of race relations this century and a provocative manifesto for the future. As such, it demands comparison with Gunnar Myrdal's *An American Dilemma* (1944), which did so much to place racial injustice at the center of American politics for decades to come. Unlike Myrdal's, however, the Thernstroms' book is neither a jeremiad nor a call for national self-flagellation; described by its authors as an optimistic work, it has already been widely attacked for its supposed complacency and callous racism. Yet it should be required reading for anyone interested in the national "dialogue" that Clinton has called for on race relations and that has acquired material form in his futile commission on race.

The Thernstroms' primary challenge to established wisdom is their emphasis on the progress blacks have made this century, especially between 1940 and 1970—before affirmative action policies were fully in place. As so often in history, war was the decisive catalyst for crucial change: the long defense boom beginning in 1940 significantly increased labor demand in Northern factories, while the many millions in uniform during World War II and Korea meant that employers were forced to open job opportunities to groups hitherto excluded: above all, to black Americans, most of them from the rural South. An additional factor was the virtual elimination of immigration between 1924 and 1965, when employers were unable to meet their needs by drafting a cheap labor force from Poland, Italy, China, or India. In consequence, prospects for African-Americans improved dramatically in these years, whether in terms of income, housing, education, or health. Black progress, moreover, was overwhelmingly accomplished within the black community, under the auspices of black doctors, black clergy, black writers, and black artists. The era offers an inspiring story of self-reliance on the part of a people who had survived lynching and segregation, horrors which the authors make no attempt to conceal.

The Thernstroms lead us to reconsider the impact of the urban rioting of the 1960's, now conventionally seen as a second firebell in the night to which white America responded with critical social legislation. For the Thernstroms, riots in Watts, Detroit, and elsewhere mark the end of a triumphant phase of improvement; the causes of insurgency are discernible in a revolution of rising expectations, rather than in the hopeless poverty so often adduced. Concurrently, the end of residential segregation meant that the skilled and energetic black middle classes could now abandon the discrete areas into which they had traditionally poured their energies. By the 1970's, developments were aggravated by the collapse of traditional patterns of manufacturing, and thus of the cities in which the older industries were based. In a tragic version of economic musical chairs, blacks, having succeeded their various white ethnic predecessors in American cities, were the ethnic group dominating the nation's urban centers at the time when this economic disaster occurred. As a result, they suffered more directly than other groups from the consequences of social crisis, internecine violence, and epidemic drug abuse, all of which were inevitably attributed by whites to the moral weaknesses characteristic of the black race. In this way the "urban black underclass" was born, and with it the attendant myths that diverted white attention from the achievements of the black middle class, whose interests and attitudes are generally congruent with those of their white and Asian neighbors.

The story as told by the Thernstroms is certainly not one of uninterrupted progress, but neither is it a tale of incessant woe in which the black spirit has been crushed consistently by systematic white oppression. Nor is the record of government intervention an account of noble officialdom rescuing hapless blacks from the nastiest excesses of the white power structure. Why therefore do we hear so little about black achievements, and so much about the crippling climate of racism that supposedly pervades the national life? One reason is that the civil rights establishment has a powerful vested interest in projecting a grim image. As in any decolonized African state, the new black regimes in cities like Detroit or Washington justify their existence by constant reference to the brutal tyrannies from which they have rescued their subjects, preserving hegemony through an elaborately cultivated nationalistic mythology and a repository of symbols and keywords. Progress, the black leaders insist, can only be made through corporate racial solidarity symbolized by a charismatic leadership that intuitively feels and expresses the spirit of the race—assumptions which uncannily recall the European fascisms of the 1930's. The misconception is honestly entertained, though in a few cases it certainly provides a comprehensive and nearly infallible means to escape the consequences of scandal or misdeed. The perpetuation of conceptual error is largely the work of a white-dominated media which immediately forfeit any limited critical faculties they might possess when entering the ethnic minefields—for instance, a year or so ago during the nonexistent wave of racist arson attacks on black churches, which galvanized public opinion for a few weeks and which the Thernstroms dismiss for the charade it was.

The authors' historical learning gives them a useful perspective on historical events. They know how much and how little can be gleaned from historical statistics; at every stage the picture they present is at odds with the accepted wisdom. Their combination of multiple approaches and methods permits us to oc-

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cupy the standpoint both of the social scientist and of the political historian, as the Thernstroms explore topics as diverse as the racial component in crime and criminal justice, the racial politics of the 1960's, the role of conspiracy theories in constructing the modern black political mythology, racial differentials in SAT scores and educational qualifications, and the O.J. Simpson case. Their legal analysis, focusing on the key question of racially based redistricting as well as affirmative action policies in employment, is particularly good; undoubtedly, it provides an essential foundation for understanding cases which should be coming before the Supreme Court over the next two or three years.

Still, the Thernstroms make their most significant contribution to policy-related issues in the area of affirmative action, the history of which they describe in terms that make painful reading today. Were the early defenders of equal opportunity legislation honest in denying that the law would lead to race-based hiring, or were they being utterly cynical? The Thernstroms ultimately ask the fundamental questions which we can reasonably bet will not be posed to President Clinton's National Monologue on Race Committee: Can stressing racial self-consciousness as the precondition for social progress result in a diminution of racial consciousness and separatism? Can the U.S. Constitution coexist with a system in which rights are derived from one's membership in a *Volksgemeinschaft* rather than from one's status as a free individual? And can a true nation be built or maintained from such separate and mutually hostile constituencies, each with its distinctive culture and ideology? The answer to each question is obviously in the negative, and until government abandons its attempts at national deconstruction, we should delete from the Pledge of Allegiance the reference to "one nation under God" and its indivisibility, since we obviously mean to promote no such thing. "It is on the grounds of individuality that blacks and whites can come together," the Thernstroms write. "Large and important race-related problems still remain. Together, blacks and whites can address them; as separate nations within our nation, they cannot—and will not."

Philip Jenkins is Distinguished Professor of History and Religious Studies at Pennsylvania State University.

Making Agenda Meet

by Nicholas Stix

Making Ends Meet: How Single Mothers Survive Welfare and Low-Wage Work
by Kathryn Edin and Laura Lein
New York: Russell Sage Foundation; 320 pp., $42.50

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During the early 1980's, social scientists noticed that welfare mothers were spending three to six times their official income. According to Harvard sociologist Christopher Jencks in his foreword to *Making Ends Meet*, conservatives and liberals have been loath to admit this: conservatives because they refuse to admit that mothers cannot survive on welfare alone, and liberals because they refuse to concede that those on welfare often have unreported income. Extending research begun in the mid-1980's, *Making Ends Meet* tries to pinpoint the sources of this income.

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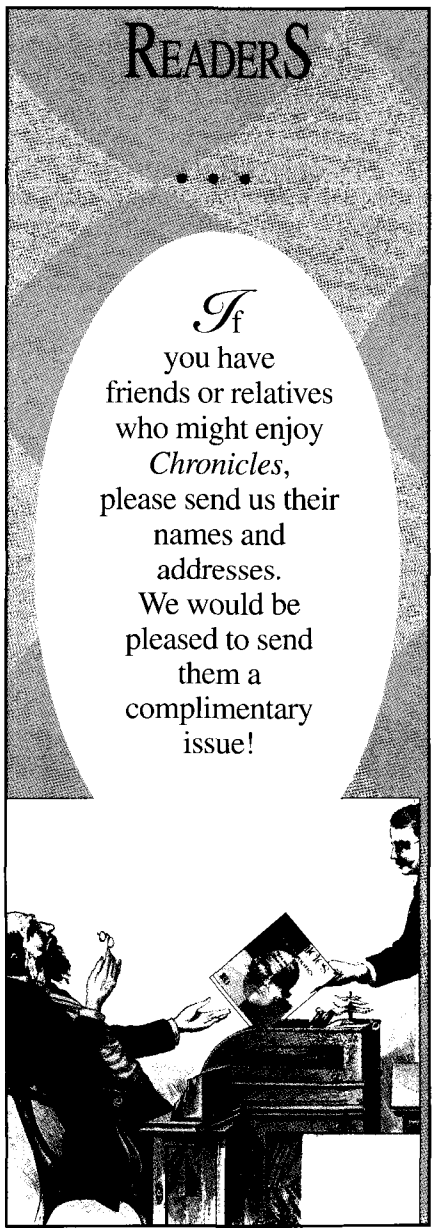
Aided by over 30 research associates, sociologist Kathryn Edin and anthropologist Laura Lein interviewed 214 single welfare mothers and 165 poor, working single mothers in Chicago, Boston, San Antonio, and Charleston. The authors seek to undermine welfare reform by offering a rationale for congressional and "nonprofit" forces looking to cushion the shocks welfare mothers will feel upon entering the world of work.

Most of the mothers interviewed derived their income from boyfriends, their children's fathers, relatives, off-the-books jobs (e.g., babysitting), selling stolen goods, prostitution, or drug dealing. Despite the unreported income, these uneducated, unskilled women—whether on welfare or working at "dead-end" jobs—were barely treading water. The authors report that single working mothers now have more cash but suffer greater material hardship than their nonworking counterparts. Working mothers must pay for additional transportation and medical and childcare that welfare mothers receive free. Edin and Lein thus conclude that poor women are worse off working than being on welfare. To my knowledge, the authors' data are generally sound, though most of their "discoveries" are old hat to the over 50 million Americans who have lived in, worked in, or regularly visited slums.



Edin and Lein tend to exaggerate the difficulty of finding affordable childcare and adequate transportation. Although a respondent told of getting babysitting services from a welfare mother for a bag or two of groceries per month, the authors invoke a mythical, "market-rate" childcare. As New York University political scientist Lawrence M. Mead noted in *The New Politics of Poverty* (1992), and as Jencks corroborates, poor working mothers are able to negotiate affordable, unlicensed childcare without inflationary government "service-providers." The supposed lack of childcare is a rehearsed answer that mothers give to reassure the white, suburban "Suzy the social worker" types: "I really want to work, but . . . "

Edin and Lein alternate between the role of "Suzies" and that of dogged interviewers. They reinterview respondents who initially gave unrealistic budgets, or ambiguous or misleading answers about receiving child support or engaging in prostitution. The pervasiveness of such prostitution matches my own observations in New York; that of unreported child support surprised me. However, when it comes to the mothers' rationalizations for not working, it's Suzy time again. On the one hand, the authors emphasize the mothers' concern for avoiding criminal activity; on the other, they chronicle the mothers' involvement in prostitution and other crimes.

The authors' commissions and omissions derive from their loyalties. Edin and Lein gained access to their respondents only through the intercession of "community groups" with a vested interest in the normalization of failure. Considering their fealty to such groups, the authors' findings are remarkably credible. Yet loyalty precludes Edin and Lein from explaining why so many children grow up fatherless, poor, and dependent. As Fred Siegel and Jim Sleeper have recalled, during the 1960's the Marxist National Welfare Rights Organization sought to bankrupt New York and precipitate a revolution to be fought by the new proletariat of black welfare clients. Liberal Republican Mayor John V. Lindsay's Marxist social services commissioner, Mitchell "Come and Get It" Ginsberg, deliberately expanded the welfare rolls from 538,000 to 1.65 million recipients between 1966 and 1971—an action that precipitated not revolution but moral collapse among the city's poor.

Edin and Lein implicitly define a family as an unwed mother and child(ren), yet are shocked to see such "families" mired in poverty. Unquestioningly accepting the feminist wisdom about a woman needing a man as a fish needs a bicycle, the authors' response to welfare's crushing consequences for poor women is yet more socialism. Men are fatally flawed, yet the state is somehow perfect.

A similar myopia causes the authors to confuse cause and effect. It is life in "some of the country's most dangerous neighborhoods" that drives concerned mothers to opt for the dole over leaving their children unsupervised while they work. But in *Why Nothing Works* (1987), Marvin Harris observed that welfare mothers' sons help support their mothers and girlfriends through drug dealing, muggings, and burglaries. Harris explained that welfare clients raised their sons to be violent, the better to protect them from other clients' sons. Hence, poor young black and Hispanic men—and increasingly women—embrace crime in response not to white racism or lack of opportunity but to their rearing.

Life on the dole is miserable. However, the authors ignore the role of government programs in inflating the cost of living, further reducing the buying power of the working poor and encouraging those who refuse to work. Edin and Lein have targeted readers blissfully unaware of the tens of millions of American families who escape poverty through limiting their wants, working extra hours or two jobs, and sharing responsibilities. The authors, who see in welfare reform merely the desire to "punish" unwed mothers, are blind to the connection between welfare clients and the rise in violent crime and in drug and child abuse. The solution is marriage.

Nicholas Stix is a freelance writer in New York.

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Of Murder and Morality

by Alan Cornett

Publish & Perish
by Sally S. Wright
Sisters, Oregon: Multnomah Books; 300 pp., $9.99

Pride & Predator
by Sally S. Wright
Sisters, Oregon: Multnomah Books; 300 pp., $9.99

◆

In the alternative culture that has grown around modern American religion, music stars such as Amy Grant have commanded much attention. Disgusted by the filth that is popular music, teenagers are encouraged by well-meaning parents to listen to Grant instead of, say, Madonna. Likewise, Frank Peretti is seen as a Christian substitute for mega-sellers like Stephen King and Anne Rice. Every fad in popular culture seems to have its sanitized equivalent in a kind of Christian alternate universe.

The trouble with all of this is obvious. It does not matter if you take out the dirty words and throw in a few references to Christ: bad music is still bad music; bad books are still bad books. Christianity cannot produce substance when it is obsessed with the transitory.

It was with this in mind that I approached these new mysteries by Sally Wright. Published by Multnomah, a Christian publisher on the West Coast, these are the first in what is planned to be a continuing series. Christian mysteries: as my wife said, "Great, who stole the church collection?" To my pleasant surprise, however, I discovered that Wright has given us intelligent, literate (and literary) adult Christian mysteries that follow in the tradition of G.K. Chesterton, C.S. Lewis, Dorothy Sayers, Flannery O'Connor, and Russell Kirk.

Wright's hero is Ben Reese, widowed World War II army intelligence veteran who serves as archivist at Alderton University in Ohio. Like most detectives, Reese couples his keen powers of observation with his equally strong deductive abilities. Throw in a dash of being at the right place at the right time, and you have the recipe for a detective series.

But Wright is not so shallow. She crafts a complicated web of murders in both of her mysteries and creates a credible cast of characters. Motives are generally believable, as are Reese's solutions. Of course formulaic structures are evident in Wright's novels, but Wright does well within the confines of her genre and proves her mettle as a writer.

In *Publish & Perish*, Ben Reese receives a mysterious call from a friend, the chairman of Alderton University's English department. The next day, the friend is found dead in his office, supposedly from a heart attack, but Reese suspects foul play.

As Reese uncovers the mysteries surrounding his friend's death, Wright gives a grand tour of university politics. From the pathetic spinster French professor to the arrogant and defensive college president, Wright's characters could be found at any modern university, and each has plausible reasons to have murdered Reese's friend.

Of the two books, *Pride & Predator* is the better. Wright clearly draws from such works as Russell Kirk's *The Old House of Fear* for inspiration in this gothic novel. Her mysterious island scenes and castle intrigues are indebted to the long line of Scottish literature. Set in Scotland, the book involves the murder of Jonathan MacLean, a parson. None of the characters seems to have a clear motive for the murder. But Wright does well in exposing hidden motives, and soon Reese views everyone as a suspect.

Fortunately, these novels are not bogged down with didacticism. Wright is content to bring out Christian principles through the actions and attitudes of her characters. We find villains motivated by real evil, but it is an evil motivated by real-life temptation and desire. And this is the way that evil should be portrayed in literature. Evil is not always ugly and repulsive, but—all too often—attractive and seductive. While occasional scenes may seem forced, Wright succeeds well in avoiding the preachy and predictable, and—most of all—the trendy. As a good writer should, Wright shows rather than tells.

Alan Cornett is the minister of the Church of Christ in Lebanon, Kentucky.

LIBERAL ARTS

PARTS IS PARTS

In October, "Doctor" Jack Kevorkian, trying to put a positive spin on his death fetish, announced that he would begin donating organs harvested from his suicide victims. According to the Associated Press, Kevorkian's lawyer, Geoffrey Fieger, announced that he would "make a liver and kidneys available . . . for donation on a first-come, first-served basis. . . . 'There will be patients begging doctors for the kidneys and the livers that I have available in my office,' Fieger said."

WISE PERSON

"Nouns: wise man, wise woman, sage, . . . Solomon, Socrates, Plato, Mentor, Nestor, Confucius, Buddha, Gandhi, Albert Schweitzer, Martin Luther King, Jr. . . ."

—from *Roget's International Thesaurus* (HarperCollins; fifth edition, 1992)

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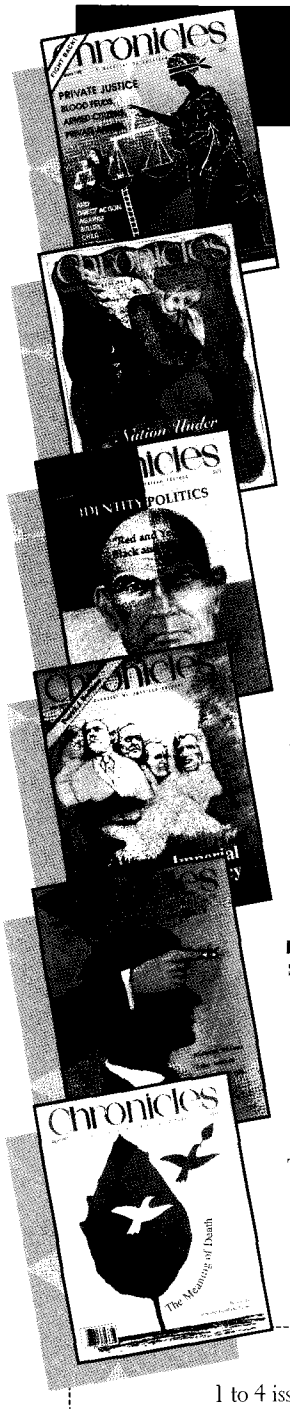
GREAT TOPICS—GREAT ISSUES



PRIVATE JUSTICE—JANUARY 1998—Thomas Fleming on private justice, Michael Hill on Celtic revenge, Barry Baldwin on blood feuds, and Jeremy Black on how the state monopolizes violence. Plus David Kopel on burglary and the armed homestead, Stephen P. Halbrook on Switzerland and its armed citizenry, and Geoffrey Wagner on whipping in the West Indies.

NATION UNDER GOD—December 1997—Thomas Fleming praises intolerance, D. George Leech outlines a Christian foreign policy, William A. Donohue discusses the last respectable bias–anti-Catholicism, Llewellyn H. Rockwell, Jr., shows why the Christian right needs Econ. 101, and Harold O.J. Brown questions the ethics of clergy.

IDENTITY POLITICS—November 1997—Thomas Fleming on race as the American religion, Samuel Francis on the witch-hunts of Morris Dees, Jacob Neusner on secular Judaism, and Joseph Fallon on the politics of Hispanic identity. Plus Justin Raimondo on the black war on Asians in San Francisco, and Mark Tooley on the church burning hoax.

IMPERIAL PRESIDENCY—October 1997—Patrick J. Buchanan on Mr. Lincoln's War, Samuel Francis on the demise of checks and balances, Llewellyn Rockwell on executive branch evils, and Donald Livingston and Thomas Naylor on the *real* meaning of the Pledge of Allegiance. Plus Thomas Fleming on how Presidents became our masters.

EDUCATION AND THE AMERICAN ELITE—September 1997—John Lukacs says "To Hell With College," George Watson on elitism and its virtues, J.O. Tate on the reign of "red diaper" babies in academe, and Herb London on parietals past and present. Plus Richard Wilbur on good manners and good literature, and Scott Southworth on the forced funding of student radicalism.

THE MEANING OF DEATH—August 1997—Bill Kauffman on the costs of war, Michael Hill on things worth dying for, Allan Carlson on the new euthanasia pill, and Barry Baldwin on the case for capital punishment. Plus Frank Brownlow's review of *Alias Shakespeare* by Joseph Sobran and Justin Raimondo's report on George Soros.

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MANIFEST DISASTER—June 1997—Thomas Fleming on the new imperialism, Samuel Francis on globalism and its consequences, Joseph Sobran on the case for anti-Americanism, Srdja Trifkovic on America's role in the Balkans, and James George Jatras on benevolent global hegemony. Plus Rajko Dolecek's Letter from Pale, and Justin Raimondo on David Horowitz and the ex-communist confessional.

UTOPIAS UNLIMITED—May 1997—Thomas Fleming on the world of W.S. Gilbert, Thomas Bertonneau on the death of science fiction, Jesse Walker on the cult of Philip K. Dick, and Scott P. Richert on the *X-Files*. Plus Samuel Francis reviews the latest biography of H.P. Lovecraft, and August Derleth's last editor recalls the founding of Arkham House.

SQUEEZE PLAY: THE CONSERVATIVE MIDDLE—April 1997—Samuel Francis on the GOP flop, Mark Royden Winchell on paleoconservatism, George Watson on the strange friendship between conservatives and the free market, Martin Mawyer on the future of the Christian right, and Paul Gottfried on Martin Luther King, Jr., as conservative hero.

NEW WORLD CULTURE: MMM, MMM, GOOD?—March 1997—Bill Kauffman on life on Planet Hollywood, David Hackett Fischer on multiculturalism's assault on scholarship, Jesse Walker on Ray Davies and the Kinks as localists, and Michael Hill on the New Reconstruction of the South. Plus former ambassador Frank Ruddy on "*Au Revoir*, Boutros."

THE SERVILE STATE CRACKS DOWN—February 1997—Thomas Fleming on why everybody gonna pay tax today, Samuel Francis on the new federal police state, Sarah J. McCarthy on why Uncle Sam is not trusted, and U.S. Congressman Don Manzullo on judicial taxation without representation.

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by Samuel Francis

An Infantile Disorder

"Why, we could lick them in a month!" boasts Stuart Tarleton soon after the Confederates fire on Fort Sumter in Margaret Mitchell's *Gone with the Wind*. "Gentlemen always fight better than rabble. A month—why, one battle." At that point, young Mr. Tarleton is interrupted by Rhett Butler, a rather darker character in Mitchell's novel than the swashbuckling playboy created by Clark Gable on the screen. Butler points out that the Southerners do not possess what modern strategists would call the industrial and logistical infrastructure with which a modern war must be fought—the cannon factories, iron foundries, railroads, and woolen and cotton mills that the North has in abundance. "But, of course," he says, "you gentlemen have thought of these things."

Of course they hadn't thought of those things. What they had thought about were the glories of the coming conflict and the rights they were going to vindicate, and within a few years and a few more battles than Stuart Tarleton had anticipated, he and his twin brother were dead, along with most of the others who had listened to them, the Confederacy itself, and the society on which it rested. As for Rhett Butler, he not only survived but flourished, confident in his philosophy that there are two times when a man can easily make a fortune for himself—once when a civilization rises, and once when a civilization falls.

Today, 130 years after the disasters to which the chatter of valiant fools like Stuart Tarleton led, secessionism purports to rise from the ashes, this time embodied mainly in the League of the South, of which most of the editors of this magazine except me are members. Its leaders foreswear the use of violence, so we need not anticipate that the results will be similar—at least not until a good many more Southerners sign up than seem to have done so in the four years of the League's existence and until the federal government pays more attention to them than it has done to date. Nevertheless, if the physical extermination of 600,000 white men over the burning issue of whether four million black men are to be slaves or serfs is not on the agenda this time, secessionism promises to be no less a disaster for those of the American right than it was for the pretty belles and beaux of Mitchell's novel. It is unfortunate that many of those gentlemen most dedicated to secession seem not to have thought of the weaknesses of their position any more than Stuart Tarleton and the other guests at the Wilkes barbecue had.

Two main forces appear to drive the resurrection of Southern secessionism. In the first place, the American right as a serious political movement has collapsed, leaving its most dedicated adherents with no obvious vehicle for pursuing its goals of dismantling the federal leviathan and ending the cultural and demographic inundation of the South and the rest of the nation. Second, a concerted onslaught against Southern and Confederate symbols and traditions, most clearly represented in the attacks on public display of the Confederate Battle Flag, rightly excites the wrath of Southerners who remain loyal to the memory of the Confederacy and the culture that the flag and the war have come to represent. Correctly lacking any confidence in the Republican Party or the neoconservative-dominated "conservative movement," Southerners of the right have decided to chuck it all and set off on their own, with the goal of invoking the traditions and identity of their own land and culture as the basis for resisting federal tyranny and their own racial and cultural destruction.

Yet neither of these two forces provides an adequate justification for secession, and neither suggests any realistic prospect of success. There are, to put it simply, two strong reasons why secession, for the South or any other part of the nation, is not a good idea: it is not practical; and even if it were practical, it would not be desirable.

Leaders of Southern secessionism often point to sister movements abroad—to secessionist movements in Northern Italy, Quebec, Scotland, the Balkans, and other places—as well as to perennial discussions and controversies about a kind of secession in various states, cities, and regions in this country. But the foreign movements and those in the United States are irrelevant to what Southerners actually propose. Abroad, where secessionism has gathered significant support, it has done so because those pushing it can claim to be the heirs of real and ancient nations or at least of subnational regions that exhibit far more distinctiveness than the American South, today or at any time in its history, can claim. Scotland, Quebec, the Balkan peoples, and even Northern Italy all can boast of distinctive linguistic, religious, ethnic, and historical heritages, far more distinctive than those of the South, and some can point to some period in their past when they actually constituted autonomous states. Indeed, compared to some of these nations or regions, the American South under close scrutiny begins to vanish as a cultural unity. There is at least as much difference between Tidewater Virginia and East Tennessee or between northern and southern Louisiana as there is between Scotland and England or Northern and Southern Italy today.

Within the United States, the periodic demands for breaking Staten Island off from New York City or East Kansas from West Kansas or Southern California from Northern California are not secessionist movements in the same sense as what the Southerners advocate. None of these other movements contemplates leaving the national political unity of the United States. It makes sense that over time some borders and jurisdictions will become outmoded, and to redraw the map every now and then to suit contemporary interests and needs is unobjectionable. But it is not secession in the sense that Southerners and most dictionaries use the term, and to cite such movements (none of which has so far been successful) as examples of the rising dissatisfaction with the unified nation-state is fallacious.

Nor do contemporary Southern secessionists make any compelling case for the separation of their own region from the larger national unity. Historically, the Southern people have had an arguable case for separation, and in 1860, with the prospect of their slave-powered economy being gradually gutted by Northern dominance, their case was more arguable than ever, though even

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then there was less than a universal consensus in the South for separation. Today, that case simply does not apply. The modern South has probably profited from federal largesse more than most other regions, and the argument for states' rights, which Southerners invoked from Jefferson to George Wallace, is silenced by the demands of Southern politicians for more farm subsidies, more defense contracts, more military bases, more federal highways, and—if we include blacks as Southerners, which the League readily does—more "civil rights," more affirmative action, more federal marshals to enforce them, and more welfare.

To find out how practical secessionism is in the South today, visit any large Southern city—Atlanta, Charlotte, Nashville, Richmond, Dallas, Fort Worth, let alone New Orleans and Miami—and ask yourself if the residents (even those who are still recognizably American) are ready for another Pickett's Charge. It's all conservative Southerners can do to keep the Battle Flag flying and Confederate monuments from being obliterated, and the most vociferous enemies of the flag and the monuments are not the "Yankees" of yore or even the federal government but Southerners themselves, either the manipulated blacks of the NAACP or white Southerners of Confederate antecedents like South Carolina's Republican Governor David Beasley. The South today and the Southerners who inhabit it are simply too well connected to Washington and the rest of the nation to contemplate any serious movement for the national independence of their region.

But even if secession were possible, it would be a bad idea. Today, the main political line of division in the United States is not between the regions of North and South (insofar as such regions can still be said to exist) but between elite and nonelite. As I have tried to make plain in columns in this magazine and many other places for the last 15 years, the elite, based in Washington, New York, and a few large metropolises, allies with the underclass against Middle Americans, who pay the taxes, do the work, fight the wars, suffer the crime, and endure their own political and cultural dispossession at the hands of the elite and its underclass vanguard. Today, the greatest immediate danger to Middle America and the European-American civilization to which it is heir lies in the importation of a new underclass from the Third World through mass immigration. The danger is in part economic, in part political, and in part cultural, but it is also in part racial, pure and simple. The leaders of the alien underclass, as well as those of the older black underclass, invoke race in explicit terms, and they leave no doubt that their main enemy is the white man and his institutions and patterns of belief.

The only prospect of resisting the domination of the ruling class and its antiwhite and anti-Western allies in the underclass is through Middle American solidarity, a solidarity that must transcend the differentiations of region, class, religion, party, and ideology. White Southerners are a vital part of the Middle American core, as are their Northern counterparts, and neither is the enemy of the other. Both regional sections of Middle America face the same threats, experience much the same problems, and ought to be joined in the same political-cultural movement to meet the threat together.

If, however, Southerners were to secede, they would be engulfed by the same forces that threaten the nation as a whole. By the year 2020, the Census Bureau reports, the only parts of the South that will have more than a 75 percent white population will be a thin strip of western Virginia, most of Tennessee, and northern Arkansas; the rest of the region, especially Texas and the Deep South, will be dominated by populations more than 50 percent nonwhite, in some places far more. If 80 percent of the white population of South Carolina were to support secession in a referendum, that would amount to only 55 percent of the state's total population. I mention this racial dimension of the secession controversy not because of the obvious conflicts that will arise in its wake but to suggest that the majority populations of the South in the near future will either be blacks, who have only hostile memories of what secession and the historic South meant to them and their ancestors, or Hispanics, who will sympathize with secession only if it means union with Mexico. It is unlikely that either the black or the Hispanic populations will evince much sympathy for Jefferson Davis and his legacy.

But the racial composition of the future South is significant also because the racial consciousness and solidarity nonwhites will exhibit is already plain, in the frenetic, hate-driven language of their leaders and organizational vehicles, in their political behavior, and in the whole fabric of their subculture. It is a consciousness that readily identifies whites as an enemy and their institutions and values as alien and oppressive.

The only prospect of white Middle American resistance to this racial and political engulfment is our own solidarity; instead of snorting at white Northerners as "Yankees" who lack good table manners and the rudiments of culture, white Southerners should be standing firm with them in opposition to more immigration and more domination by the federal leviathan that serves as the political instrument of the overclass-underclass alliance. The key to resisting that domination does not lie in the dormant right of secession but in the real federalism to which both Southerners and Northerners subscribed at the time the Constitution was ratified. It may be argued that the 10th Amendment is itself dormant, but it remains more alive than secessionism. The Supreme Court has cited the 10th Amendment in striking down a federal gun control law in the *Lopez* case in 1994 and the Brady law last year, and even poor old Bob Dole used to brag about carrying a copy of the amendment around in his vest pocket. Of course Mr. Dole didn't understand or care what the amendment meant, but the fact that even he would invoke it means that it remains a living part of our Constitution. With its revival as a serious political tool, most of the dangerous and stupid overgrowth of the federal leviathan would disappear, and its disappearance would be welcomed not only by Southerners but by most Middle Americans of other regions who suffer from it.

I do not believe that secessionism will prosper as a serious political movement, but I do worry that it will prosper to the point of becoming a serious political distraction—a distraction from the imperative that Middle Americans now face of constructing their own autonomous political movement that can take back their nation rather than assisting the new underclass and the globalist ruling class in breaking it up. The time left for us to do so is shorter than it has ever been in our history, and until we outgrow the infantile disorder that secessionism offers, the construction cannot begin. If the gentlemen who talk of secession have not yet thought of these things, I invite them to do so soon. C

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Letter From Germany

by Michael Walker

Fat and Impotent

◆

In modern Germany, where even discussion of political ideology is a matter which has to be treated with extreme circumspection, political debate centers on the safer area of financial management, and in recent years the main purpose of financial management in Germany has been to ensure a smooth path toward full European unification. Since the currency reform of 1948 and the Marshall Plan, the citizens of the German Federal Republic have been bribed with the carrot of constantly increasing living standards in return for their political acquiescence to the Western world order, a formula summed up in Churchill's unforgettable postwar wish that the Germans stay "fat and impotent." The German Federal Republic became the milk cow of numerous costly projects, including the establishment of the state of Israel, financial assistance to the East, the financing of the Gulf War, and, not least, the Common Market: Germany pays 80 percent of the European Union's budget.

Germany's lack of political clout has been tolerated by her citizens because of a standard of living which until recently was the envy of her neighbors. The citizens of the "strawberry Reich," as Ulrike Meinhof called the Federal Republic of Germany, accept the loss of national pride and sovereignty because they see that the international order ensures them security and wealth. The fate of Carthage and the outcome of the Third Punic War is deeply imprinted in the German psyche. National arrogance or feelings of superiority toward the Poles or Russians are channeled into an exclusively economic superiority. This superiority was embodied in the Deutschmark. The mark is the proof both of German success and of acquiescence to the postwar order.

This is the background to the growing German unease about the common currency project, and in particular the shock which has accompanied recent admissions from the government that all is not well financially. Theo Waigel, the finance minister, has had to come to terms with a projected shortfall in the national budget. Of course, as a master of diplomacy, Waigel does not use such emotive words as "bankrupt," but one does not have to be a financial wizard to understand the meaning of an eight billion mark gap in the state budget this year. Since the deficit is over three percent of GNP, Waigel had intended to revalue Germany's gold reserves in order to meet the criteria for financial union, which his own administration has insisted on as the *sine qua non* of monetary union. The German central bank was reluctant to cooperate in the government's financial prestidigitation, and in the debate that followed, Germans finally learned details about the country's financial responsibilities: while Germany pays 80 percent of the E.U. budget, Spain receives 21,000 marks *every minute* from Brussels (11 billion marks last year and likely more this year).

The Germans are effectively the paymasters of European union, but they have not even been asked whether they want monetary union. The country's four major parties, however, are all in favor of European unity. A referendum on monetary union could go either way, and most commentators agree that a rejection of, say, the Maastricht Treaty in a referendum would jeopardize the E.U. itself.

Outsiders may wonder how the governing party, the Christian Democrats, can soldier on in the face of its abysmal record of growing unemployment (now 4 million), declining educational standards, environmental degradation, mounting criminality, the near certainty that the state cannot guarantee national pensions in 30 years time, national self-humiliation on an unparalleled scale, a grotesque abuse of public funds, and a mounting national debt. There are several reasons: first, the use by the ruling government of the constitution to silence its more radical critics. Opposition that threatens to undermine the constitution (as defined by the mainline political parties themselves) is subject to harassment and observation by the state; calls for a referendum on the single currency are denounced as unconstitutional. Second, the tradition of compromise and nonideological opposition is ingrained in the German constitution and postwar German political life. Third, there is the German tendency to take authority on trust. *Alles ist gut was von oben kommt.* Authority, as the saying goes, is an argument half won in Germany, and Kohl exudes plenty of it. The opposition SPD is chary of any breath of nationalism and has been unable to come up with an effective challenger to Kohl. It still has one foot in the tarpits of macroeconomic state planning, and this divides those opposed to Kohl between the state planners and the economic liberals. All the mainstream political parties support Kohl's chief political ambition: the merging of Europe's leading nations in a financial and political bloc dedicated to making the world a better place for the rich.

What is the alternative? The communist PDS (the former SED of East Germany) and the nationalist Republicans have declared their principled opposition to the project for monetary union, but both are *personae non gratae* in the mainstream press and fear being labeled *Verfassungsfeindlich* (an enemy of the constitution), which is political suicide in a country where political respectability is next to godliness.

Most Germans realize that Kohl's ambition is not to fulfill his inaugural oath to "serve the German people" but to become the man who restores the empire of Charlemagne and destroys the European nation-states. Germans have indicated that they are able to live with the postwar system and Kohl's political ambitions, but they are now beginning to ask themselves if they can continue to live with his economic agenda. The Bundesbank is finding itself in the unlikely role of speaking for the common people against the machinations of a government which many Germans believe represents a self-serving, antidemocratic clique. If the criteria for monetary union are weakened, the new money which will replace the beloved Deutschmark will bring Germans down economically

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to the level of Spain or Greece. Ominously for Germans, the mark has lately been slipping against the pound and dollar. The strong Deutschmark has enabled Germans to enjoy package tours all around the world and to impress underprivileged aborigines with their bulging beer-bellies and gold bangles. The luxury holiday has become a way of life for them. Not being able to afford package holidays would be an unthinkable blow to the German *Wohlstand*.

Germans dare not lose their living standard because they have nothing else. (Appearances of prosperity are somewhat deceptive: for example, Germany has the lowest percentage of owner-occupied property in Western Europe, and there is a large black market of foreign laborers who take or send their untaxed wages home.) The danger for the Bonn establishment is that, if the German people are no longer allowed to be fat, they may begin to wonder why they have to remain impotent.

Michael Walker writes from Cologne.

Letter From Colombia

by Jeffrey Roberto Villaveces

Drugs and the People's Will

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When American drug czar Barry McCaffrey visited Colombia last October, the two-year freeze on top-level contacts between the United States and the world's foremost producer and exporter of cocaine finally came to an end. U.S.-Colombian relations had reached an all-time low last March, when Washington "decertified" Colombia—meaning Bogotá can no longer qualify for American aid in the war on drugs—for a second consecutive year, ostensibly for not doing enough to battle narcotraffickers. "Colombia is of tremendous importance to the United States in economic, political, and cultural terms," said McCaffrey, "but I must underscore that in the short term, our relationship must be determined by the drug issue."

Colombia has always been one of the most isolated countries in this hemisphere. The country is even divided internally by an incredible topography. A traveler crossing from one valley to another should not be surprised to find starkly different dialects spoken and traditions observed. Contraband has moved through Colombia since colonial times, and no government, much less one based in Lima, could hope to control the region.

The situation remains the same 400 years later, with constant clashes between divergent political and geographical realities in which the centralized government provokes continuing resentment in outlying regions. This anti-Bogotá resistance has given the guerrilla movement a regionalistic as well as populist base. At the same time, the centralism which has been such a powerful force in Colombian politics since the constitution of 1886 has made buying off the government just that much easier.

The power hierarchy in Colombia can be safely divided between "tools" and "nontools" of the Cali drug cartel. The "nontools" can be further divided into those who resist the cartel and those who are passive observers. The latter describes the vast majority of Colombians today. "Live and let live" rarely had it so good as it does here. A robbery or even a homicide will rarely provoke a response from onlookers. Once, after hearing glass breaking outside of my apartment, I was surprised to see a car-stereo thief running through a dense crowd of bystanders with no reaction from any of them. Not many heroes out there, unfortunately.

This "neutering" of Colombia, as I call it, is a result of many years of violence which has killed the people's will to fight back. One of the most spectacular examples of this process was the 1984 Lara assassination. In 1982, Pablo Emilio Escobar Gaviria was elected to the Colombian congress with a *suplente*, or running mate, named Dr. Jairo Ortega Ramírez. They were part of the "New Liberal" coalition, a Liberal Party faction which included political dissident Luis Carlos Galán and which was, ironically, strongly anticorruption. Pablo Escobar was certainly a new breed of politician, but one which most Colombians would

The God-Simulator

by Richard Moore

(On the Discovery that the Experience of God can be Duplicated in the Laboratory)

"God's nothing, mere effect.
Thus, to the brain, called mind,
we cleverly connect
electrodes, knobs, and find

mere magnetism yields
God's presence. God, You blew it!"
God answered, "Magnet fields
were how I chose to do it.

With such connections, you
can make your poor brains feel
presence of apples too.
Are apples, then, unreal?"

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just as soon do without. The New Liberals' leader at the time, Rodrigo Lara Bonilla, expelled the two after the Bogotá daily *El Espectador* revealed their connections to the Medellín cartel. Escobar was nevertheless reelected, in part due to his "soccer field in every barrio" program in Medellín. The next year, Rodrigo Lara was named Minister of Justice and announced a program to combat campaign finance corruption. Jairo Ortega, in a debate in Congress, promptly displayed a one million peso check to Rodrigo Lara from narcotrafficker Evaristo Porras. The media railed against Lara's hypocrisy, and the justice minister was called to court. Weeks later, Lara was assassinated in an incident now directly connected to Escobar. Planting doubt as to the credibility of *all* politicians is a common ploy, for in the end, everyone appears equally guilty.

The demise of the Medellín cartel has made the penalties for honesty less lethal, but the empowerment of the cartels has already been completed. Colombians are not any less honest than other people, but they are much more cynical. Pop culture here does its best to cope with a critically damaged world image; a number of political and social satires lead the television ratings. One newsprogram, *Panorama*, has an interesting segment, *"La Maquina de la Verdad,"* in which celebrities and politicians take a televised polygraph test. I doubt that many American politicians would be willing to go that far. While in other countries students are calling for an end to Western culture, students from several universities recently took to the streets of Bogotá to call for a more honest Colombia.

The absurdity of the present administration's recent television campaign calling for greater honesty has not been lost on many Colombians. The current president, Ernesto Samper, has become a symbol of the narcocracy currently in power. While questions remain as to the president's culpability in several incidents, such as the discovery of cocaine in the nose of the presidential jet, it is widely assumed that he knew about the $6 million in contributions that the Cali cartel made to his 1994 campaign, and his fingering of several cabinet members for this crime has made him few friends.

America's certification process has not helped Colombia's image; it has been duplicitous at best, certifying Mexico (a country today with drug cartels as strong as Cali and with a government as corrupt as that in Colombia) but decertifying Colombia. Colombia probably deserves to be decertified, but so do a dozen other countries which have not been. Certification seems to hinge on the amount of legislative action against drug trafficking. Extradition, an effective weapon against narcotraffickers that was annulled by a court interpretation of Colombia's 1991 constitution, has little chance of being resuscitated. While the Rodriguez Orejuela brothers of Cali appear to be going down in the record books as the first cartel chiefs to receive substantial prison terms (23 and 24 years each without parole), they are probably just victims of Colombia's attempt to win Washington's favor.

Arguments against extradition on the grounds of national sovereignty ignore the fact that Colombia's sovereignty has been for sale for some time. As Karl Penhaul of Reuters reported last October, "U.S. officials are coy about the number of radar stations they have in Colombia and the size of the U.S. contingent that operates them."

Coca eradication is a prime government tactic in battling the cartels. This extremely ineffective—but easy to implement—strategy is the principal one used throughout the Andes. Until recently, a country could become certified simply by eradicating *x* hectares of coca fields and *y* number of maceration pits (used to create coca base from the coca). Eradication, however, has not hindered narcotraffickers in the least. The poor coca farmer, despite physical intimidation and arbitrary imprisonment without trial, continues to grow the plants because the prices have stayed relatively high compared to other crops, and because more eradication means better prices for the coca that remains. The film clips of coca eradication are only useful as State Department propaganda.

The greatest tool of the drug trade is the guerrilla movement of Colombia. In earlier times, the *Ejercito de Liberacion Nacional* managed its own marijuana plots in Guajira (Colombia is the origin of a majority of American-smoked weed), but now they, like other guerrilla groups, have become mere lackeys of the Cali cartel. The *Frente Armado Revolucionaria de Colombia* (FARC) is by far the largest and most active guerrilla group in the country. Led by Jacobo Arenas, an old-school communist who rarely mentions the word "communism" anymore, FARC has created a winning populist strategy since the 1970's by aiding *invasores*, squatters in the frontier zones of the country, mostly south of the *cordillera oriental*. One of the wealthiest guerrilla movements in the world, FARC is paid both by Cali and by business interests that pay "protection" fees so that they can operate in FARC-controlled zones. This includes mostly petroleum companies and bus services, both of which still suffer attacks from people working on their own in the disordered frontier regions. The chaos that this creates makes much of rural Colombia an ideal area to produce and export cocaine.

The triad of narcotraffickers, politicians, and guerrillas that is running the country into the ground faces only a handful of politicians, judges, and journalists trying to stop the rampant corruption. Like Rodrigo Lara, many of them have been assassinated, including Guillermo Cano Isaza, the editor of the Bogotá paper *El Espectador* and the most prominent of the 117 journalists assassinated here in the last ten years; Judge Tulio Manuel Castro Gil, who brought the assassins of Rodrigo Lara to justice; and presidential candidate Luis Carlos Galán, because he was one man Cali could not buy and because he wasn't afraid to extradite drug dealers. The cost of honesty has left a few outlaws (within the law) who run the country, and millions of innocents who have learned to keep their mouths shut.

Colombians are widely disgusted with the current administration, but there has never been a populist movement capable of removing a president here, as Ecuadorians recently removed *El Loco*, a.k.a. Abdalá Bucaram. While Colombians insist, correctly, that the demand side must be attacked for the drug problem to be controlled, they have not fallen victim to the libertarian fallacies of legalization proponents.

If Colombians only took the legalization crowd's advice, goes the argument, they could leave violence behind and start a new free market day. Employers in Colombia could begin to pay their workers in *basuco* legally, instead of illegally. Coffee fields could be replanted with coca, so higher quality leaf could be grown at the correct altitude rather than in the rain forest. Coca, marijuana, and heroin labs could work openly to develop the most addictive drugs possible with less danger to their pharmacists, who bat-

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tle unsafe and uncomfortable labor conditions. The cartels could incorporate and work as a multinational with Mexico and Italy. And the national airline Avianca could send cocaine worldwide with its new rapid airmail service. Best of all, presidential candidates would no longer need to hide campaign contributions, as is done in the United States.

No, Colombians live too close to the reality of drugs to take that bait. They may have been silenced, but not willingly. They may have been victims of extortion, but they will not be conned.

Jeffrey Roberto Villaveces is a senior at the University of Dayton.

Letter From Michigan

by John Attarian

Be Sensitive—or Else!

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Horror stories about punishments for insensitive behavior on college campuses are old news. But leftist hypersensitivity has permeated everyday life in the real world as well. In Manassas, Virginia, a white woman called 911 at 3:08 A.M. to report that some black men—whom she referred to as "niggers"—were trying to break into her house. According to the *Detroit News*, the 911 dispatcher, also a white woman, sent police but went on to lecture the besieged woman: "The next time I would appreciate it if you would not call black gentlemen 'niggers,' OK? That offends me, and I don't like to hear it." She asked the distraught caller how she would like to be called "white trash."

As this case illustrates, the sensitivity police are everywhere. They are especially prevalent here in Michigan, where the sensitive are using intimidation and tyranny to flog the insensitive into line. For example, in May 1996, 57-year-old city councilwoman Gloria Sankuer of Warren (Michigan's third largest city) complained that the City Council's letterhead, referring to her as "councilman," was offensive. "This mistake makes Warren look sexist and backward," she said. "It needs to be fixed. It's a matter of what's proper." Warren had a four-year supply of this offending stationery. The council unanimously decided to expend it by sending all Warren city volunteers and unpaid board and committee members letters of thanks, costing over $400. All to placate one touchy feminist in a snit.

As Sankuer's case illustrates, the sensitivity mania opens up vast opportunities for busybodies. Ann Arborite Mark Hiselman, hearing of Sankuer's complaints, "drove 60 miles to be at the council meeting so he could offer an alternative voice." He tried unavailingly to get the council to adopt the gender-free "councilor" over "councilman," "councilwoman," and "council member."

At one time, this officious stranger, who does not even live in Warren, would have been deemed a public menace—which he is. By today's standards, Hiselman is in the *avant-garde* of righteousness. But if anybody's business is everybody's business, nobody is safe from molestation.

And then there is the Steenbergh case. On the night of September 11, 1996, Warren's Mayor Mark Steenbergh confronted John Harris, a 16-year-old black male, near Harris's home. Earlier that day, Harris allegedly punched a 15-year-old girl, Wendy Smith, a friend of Steenbergh's daughter, in the face. Mayor Steenbergh decided to stick up for her and sought Harris out. He allegedly choked Harris, shoved him, and shouted "I'll get all you niggers" as he left the scene.

Within a week FBI agents were interviewing Harris's family. In November, Steenbergh's lawyer said, Michigan state police made a surprise after-hours raid, without a search warrant, on Warren City Hall looking for new evidence against Steenbergh. They found nothing. Apparently the sensitivity police wanted to get Mark Steenbergh badly enough to drag in the FBI and trample his constitutional rights with unreasonable searches and seizures.

Mayor Steenbergh was eventually charged with assault and ethnic intimidation. The maximum punishment for assault—a misdemeanor in Michigan—is a jail sentence of 90 days and a fine of $500. Ethnic intimidation, on the other hand, is a felony; those found guilty can be jailed for up to four years. Under Michigan's 1990 ethnic intimidation law, using a racial slur during a fight is not ethnic intimidation—but a fight or threat motivated by racial animosity is. The whole thing turns, then, on the motives of the miscreant—in other words, whether or not he is a racist.

After deliberating for one and a half hours, an all-white jury acquitted Steenbergh of all charges. Said jury foreman John Boyd, "It was the general feeling that some of the stories of the witnesses who supposedly were right there didn't make sense. Basically, it was the lack of credible evidence to support the charges."

Apparently, however, a lack of credible evidence is not enough to deter the FBI. Even though Steenbergh has been acquitted of state charges, as we go to press the FBI has not closed its case against him, leaving open the possibility that he may be prosecuted for violating Harris's civil rights, a federal offense.

A more grotesque case is that of Wayne County Circuit Judge Andrea Ferrara. In February 1997, Ferrara's ex-husband, Howard Tarjeft, released to the media tapes of telephone conversations in which a woman, supposedly Judge Ferrara, used slurs such as "nigger" and "Jew whore." The Detroit NAACP wrote to Wayne County Circuit Judge James Rashid, asking him to order Ferrara to resign from the bench. The Michigan Judicial Tenure Commission began investigating Ferrara. Meanwhile, her friends and supporters, including African-Americans and Jews, rallied to her defense. Ferrara claimed that she never made the remarks, that the tapes are fakes, and that Tarjeft is out to embarrass her.

Tarjeft and Ferrara divorced bitterly in 1985. Tarjeft claims he made the tapes to "protect himself" during their vicious custody battle with Ferrara over their 14-year-old twin sons. He says he released them because he felt guilty about helping a racist get elected to the bench. Sure he did. Tarjeft released the tapes just days before he and Ferrara were scheduled to appear for a hearing over $12,000 that Ferrara claimed he owed her for back child support for their sons.

Asked by Judge Rashid to step down temporarily while the allegations of racism are being investigated, Ferrara announced in March that she was taking a three-month medical leave, until June 2. The Michigan Supreme Court suspended her with pay on May 6. On June 11, it appointed Vesta Svenson, former

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36th District Court judge, to oversee a disciplinary hearing.

Based on the alleged racist remarks, Ferrara was charged with judicial misconduct. Hearings began in September. One of her 14-year-old sons testified that Ferrara had said "nigger" on several occasions. He also claimed that she had asked him if there was a way to destroy the infamous tapes. Ferrara denied her son's accusations, claiming Tarjeft had coached him to make her look bad, an allegation that Tarjeft denies. Understandably, Ferrara became emotional and accused the judge of "ruining my family" and "allowing my children to be used as pawns in an extortion scheme."

In a damaging blow to Ferrara, Avela Smith, an unemployed black woman, admitted that a letter praising Ferrara that she had sent to the *Michigan Chronicle* (a black newspaper) had been written by Ferrara for Smith's signature. Allan Sobel, the general counsel for Michigan's Judicial Tenure Commission, added a new misconduct charge: fabricating evidence. Other minorities, however, testified that they do not believe that Ferrara is a racist. As we go to press, Judge Svenson is preparing her report to the Judicial Tenure Commission, which will decide whether Ferrara should be reprimanded or removed from her job.

So we have a public servant under investigation, who has left a job she may very well lose, over alleged racial slurs in a private conversation with her ex-husband who has strong reasons for wanting to ruin her. True, nobody wants a biased judge—but a few words spoken in anger or frustration do not a racist make. One would think that a charge of judicial misconduct regarding race would concern whether or not Ferrara was unfair to blacks and other minorities in court—not words supposedly spoken among family. The whole thing smells fishy.

A naïf (that is, your average American) might say that the sensitivity crusade is much ado about nothing, and that this too shall pass when Americans' native good sense reasserts itself. But as Ayn Rand's villain Ellsworth Toohey observed, "there's always a purpose in nonsense. Don't bother to examine a folly—ask yourself only what it accomplishes." What the sensitivity folly is accomplishing is the sort of leverage over people commonly seen in a reign of terror.

Notice how much damage can be inflicted over accusations of racism and insensitivity, how quickly mere hearsay is seized on as proof positive, how quickly demonstrators and other such busybodies swing into action, how little recourse the accused have other than frightened denials and groveling for mercy. But perhaps the most disturbing thing is how little resistance there is to this reign of nonsense. If enough prospective victims defied it, the whole grotesque "sensitivity" jig would be up. But, confronted with demands that they slap their own faces with written apologies, Americans usually respond with slavish compliance. Typically, the accused parties strive to appease their persecutors; to either deny saying the offending things or to assure the public that they did not mean anything racist, sexist, or homophobic; to apologize, abjectly, extravagantly, endlessly; to confess that yes, they may have been insensitive; to scramble to make amends. (Consider, here, the cases of Denny's and Texaco.)

Rand said that "no injustice or exploitation can succeed for long without the sanction of the victim." It looks like these crusaders have Americans pegged: we really *are* insensitive—to threats to our liberty and affronts to our self-respect.

In *The Gulag Archipelago*, Aleksandr Solzhenitsyn wrote perceptively of how the Moscow show trial defendants were weaklings, wanting above all to live pleasantly, and who therefore were cowed before Stalin's first blow was struck. A modern American's highest priority is an affluent, entertainment-rich lifestyle and social acceptance. To preserve his pleasant existence, he will trade away virtually everything else. Like the hapless Russians, "insensitive" white Americans uncannily resemble rabbits trembling with terror, not questioning the hawk's right to prey on them but merely hoping that the predator will pass them by this time. It is a formula for servility.

John Attarian is a freelance writer in Ann Arbor, Michigan.

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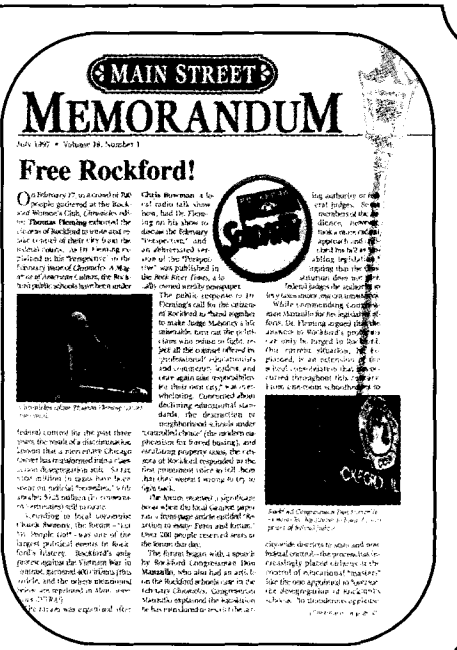
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HISTORY

The Censored History of Internment

by Joseph E. Fallon

In March 1997, Japanese-Peruvians who had been interned in the United States during World War II called upon President Clinton to issue an executive order awarding them financial compensation similar to that awarded in 1988 to Japanese-American former internees and relocatees under Public Law 100-383. Simultaneously, these Japanese-Peruvians lobbied members of Congress to enact legislation which would award them this money should the President reject their claims. As in 1988, the facts about internment and those who were interned is being censored so that individuals of Japanese ancestry alone might receive $20,000 per person.

The politically correct revisionists confound internment and relocation in order to misrepresent the actual numbers. Internment, which is based on the Enemy Alien Act of 1798 and is recognized by international law, commenced on December 7, 1941, and was applied only to enemy aliens—i.e., nationals of those countries with which the United States was at war. Since internees were almost always men, many of whom were the sole financial support of their families, family members, even if American citizens, were permitted voluntarily to join husbands or fathers in internment. But once inside the camps, they could not leave.

According to a 1948 government report on wartime internment, 56 percent of all non-renunciant internees (14,426 of 25,655) were Europeans and European-Americans—Germans, Italians, Hungarians, Rumanians, Bulgarians, even some Czechs and Poles. The total number of Japanese and Japanese-Americans interned was 16,849—not 120,000 as historical revisionists claim. Of that 16,849, however, nearly *one-third*—5,620—were renunciants. That is, after Pearl Harbor, 5,620 United States citizens of Japanese ancestry *renounced* their American citizenship so that they could be repatriated to Japan.

An additional 20,000 Japanese-Americans in Japan at the start of the war joined the Japanese war effort, and hundreds even joined the Japanese army. The most infamous case was that of Tomoya Kawakita, an American citizen who worked as an interpreter and a POW guard for the Japanese army, and actively participated in the torture (and at least one death) of American soldiers, including survivors of the Bataan Death March.

Bowing to pressure from Japanese-Americans, Congress, on July 1, 1944, enacted Public Law 405, which allowed citizens to renounce their citizenship in time of war. There were no renunciants among German-Americans, Italian-Americans, or any other Americans of European ancestry.

In addition, many Japanese nationals and Japanese-Americans with dual nationality living in the United States *refused* to take a loyalty oath or to promise to abide by this nation's laws. With the exception of a reference to the Japanese emperor, this loyalty oath was the same as that required of all United States draftees and all persons working in United States war industries. There was no similar refusal to take a loyalty oath or to promise to abide by American laws among Germans, Italians, or other Europeans.

Relocation from the West Coast was based on Executive Order 9066, issued by President Roosevelt on February 19, 1942—more than two months after internment had been implemented. This order affected California, portions of Washington and Oregon, and the southern third of Arizona. Contrary to revisionist misrepresentations, it did not call for the "internment" of Japanese in "concentration camps." Executive Order 9066 clearly stated that "any or all persons may be excluded, and with respect to which, the right of any persons to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion."

Germans and Italians were also excluded from the West Coast. Of the 112,000 residents of Japanese ancestry who were excluded, nearly 40 percent were enemy aliens who by law should have been interned. Those excluded were encouraged by the United States government to resettle in the eastern halves of Washington and Oregon (areas not affected by Executive Order 9066) or in any of the other 44 states.

The government established relocation centers as a temporary (and voluntary) alternative to resettlement. But such housing was only for residents of Japanese ancestry. Those of German and Italian ancestry had to fend for themselves. Of the tens of thousands of Japanese who chose to enter relocation centers, 35,000 soon left to resettle in other parts of the country.

These relocation centers had the highest live-birth rate and the lowest death rate in wartime United States. The Japanese in the centers "received free food, lodging, medical and dental care, clothing allowance, education, hospital care, and all basic necessities . . . . The government even paid travel expenses and assisted in cases of emergency relief."

A National Student Council Relocation Program was also instituted by the government, and like the relocation centers, it discriminated against those of German and Italian ancestry. Under this program, 4,300 students of Japanese ancestry received scholarships to attend more than 500 colleges and universities located outside of the exclusionary zone.

Seeking to have Executive Order 9066 declared unconstitutional, the Japanese American Citizens League and the American Civil Liberties Union filed three test cases with the Supreme Court: *Korematsu* v. *United States*, *Hirabayashi* v. *United States*, and *Yasui* v. *United States*. But in its October 1944 term, the Supreme Court, led by Justices William O. Douglas and Felix Frankfurter (its

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two most liberal members at that time), upheld the constitutionality of Executive Order 9066. The Court ruled that the exclusion of residents of Japanese ancestry from the West Coast was deemed necessary because "there were disloyal members of that population whose number and strength could not be precisely and quickly ascertained." There was also a justifiable fear that Japan would invade the West Coast. The Court further ruled that no Japanese was being compelled "either in fact or by law" to go to a relocation center. The Court also reprimanded the Japanese American Citizens League and the American Civil Liberties Union: "We deem it unjustifiable to call them [relocation centers] concentration camps with all the ugly connotations that term implies."

When the War Department announced on December 18, 1944, that all relocation centers would be closed by the end of 1945, the same Japanese American Citizens League, which only two months earlier had argued that the relocation centers were "concentration camps," implored the government to keep the centers open.

On July 2, 1948, Congress acted improperly, if not unconstitutionally, by enacting Public Law 886, which provided financial compensation for wartime relocation to those of Japanese ancestry. Although PL 886 stipulated that all claims not presented within 18 months "shall be forever barred," Congress enacted additional laws granting further financial compensation to former internees and relocatees of Japanese ancestry in 1951, 1952, 1956, 1960, 1972, 1978, 1988, and 1992.

In 1988, Public Law 100-383 granted $20,000 per person to all surviving Japanese and Japanese-American former internees and relocatees at the recommendation of the Commission on Wartime Relocation and Internment of Civilians. The Commission was established in 1980 to "review the facts and circumstances surrounding Executive Order Numbered 9066, Issued February 19, 1942, and the impact of such Executive Order on American citizens and permanent resident aliens . . . and review directives of United States military forces requiring the relocation and, in some cases, detention in internment camps of American citizens, including Aleut civilians, and permanent resident aliens of the Aleutian and Pribilof Islands." But the Commission illegally altered the scope of its own investigation, limiting it to "American citizens of Japanese ancestry and resident Japanese aliens, as well as the people of the Aleutian Islands."

The unprofessional conduct of the Commission was scandalous. In existence for over two years, it held only 20 days of public hearings. Two of the nine commissioners were former relocatees with a vested financial interest in the commission's decision. Forty percent of the staff had Japanese surnames and stood to benefit financially if the Commission recommended compensation. At the start of its hearings, the Commission publicly expressed the opinion that only the Japanese had been victimized by the policy of internment and relocation. The Commission did not hear any testimony from former internees of European ancestry, and the Japanese-Americans who testified were never placed under oath.

While praising Commander Kenneth Ringle as "the most capable intelligence officer we had," the Commission omitted from its report, *Personal Justice Denied*, his estimate that 25 percent of all Americans of Japanese ancestry were of doubtful loyalty and that 3,500 Japanese-Americans could be expected to engage in espionage and sabotage against the United States. The testimony of Edward Ennis, Director of the Alien Control Unit of the U.S. Department of Justice in the Roosevelt Administration, and James Rowe, Roosevelt's Assistant Attorney General, that the Japanese were treated exactly the same as Germans and Italians and were not arrested in mass nor denied the right of appeal before hearing boards was also omitted from the Commission's report.

In testimony before Congress in 1984, Dr. David Trask, chief historian at the U.S. Army Center of Military History, dismissed *Personal Justice Denied*. "I am simply unable to certify this brief as a credible piece of history. It simply doesn't measure up to professional standards." Congress, nevertheless, enacted legislation granting financial compensation based solely on the Commission's flawed recommendations in *Personal Justice Denied*.

In 1992, the damage was compounded by the enactment of Public Law 102-371. Under this new law, European-American spouses of Japanese internees who voluntarily joined their husbands in internment are eligible for financial compensation of $20,000. But European-American spouses of European internees who voluntarily joined their husbands in internment are not.

Ironically, the demand for compensation for Japanese-Peruvians interned in the United States during World War II may yet unmask the historical fraud that only the Japanese were victims of internment. For during World War II, the Roosevelt administration "requested" 18 Latin American governments to arrest Germans and Italians (as well as Japanese) living in their countries and to ship them to the United States for internment.

The number of Latin Americans of German descent interned in the United States may have been as high as 5,000, including some Jewish Germans. These Jewish Germans included citizens and legal residents of Latin American countries, and possibly some refugees from Hitler. Official documents reveal that the United States government knew it was interning Jewish German Latin Americans.

From 1942 to 1945, the United States government shipped interned Germans to the Nazis in return for American and Latin American civilians who had been interned by the Nazis at the start of the war. The apparent reason for interning German Latin Americans in the United States was so Washington could have more bodies for these "exchanges." The available evidence strongly suggests that the United States government knowingly shipped Jewish German Latin Americans to the Nazis as part of this program. If so, a congressional investigation should be conducted to uncover the truth about Jewish German Latin American internees. Should such an investigation occur, the American public might also learn—at long last—the truth about internment, relocation, compensation, and the Japanese.

Joseph E. Fallon writes from Rye, New York.

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America's Craziest Billionaire

by Luke Boggs

Unless you are just back from a long stay aboard Russia's rapidly disintegrating *Mir* space station, you have probably heard about Ted Turner's plans to give a billion dollars to the United Nations—as if the world needed absolute proof that Atlanta's Captain Outrageous is more than a few cards short of a full deck.

Over the past quarter-century, Turner has built a lowly UHF television station into a global media colossus. Over the same period, he has built a similarly colossal reputation as America's most outspoken and, yes, craziest billionaire.

In the 1970's, the captain was amusing-crazy. As a sailor, he won the America's Cup. As owner of the Braves, he put people in the seats with outrageous stunts, like the time he pushed a ball along the basepath with his nose. Turner once greeted a high-profile free agent with a new number, 17, and a new last name, Channel. (The free advertising for Channel 17 did not last long.)

In the 80's, Turner was still nuts, but with a harder, meaner edge. When he was not launching CNN or dreaming up the Goodwill Games, he busied himself dismissing Christianity as a religion "for losers" and blaming the frosty relations between Castro's Cuba and the United States on his own government rather than his dictator buddy's lawlessness and brutality.

In 1987, I saw Turner give a rambling oration—clearly unscripted and unrehearsed—to a group at Georgia Tech. Just back from Cuba, he asked why the administration was giving Castro such a hard time. Reagan and his crowd, said the captain, were out of touch and too old to change. The time had come, he said, for fresh leadership and new ways of thinking—a curious prescription given Castro's decades in power.

In the 90's, Turner has been busy, marrying Jane Fonda, going toe-to-toe with Rupert Murdoch, being named *Time*'s "Man of the Year," and selling his media empire to Time-Warner. Along the way, he has said a lot of outrageous things. For example, ready to do his bit for the planet, Turner announced in 1995 that he did not always flush. "Sometimes," he explained, "I just go out on the front porch and take a whiz on the grass." After the Heaven's Gate suicides, Turner found a silver lining: "There are already too many people in this world. If a few crazy people want to get rid of themselves, it's a good thing." (Two decades ago, Turner was less concerned about population growth. In a 1978 *Playboy* interview, he said sexual frustration was a major force behind crime and violence: "Lots of sex for everybody, that's a solution to the world's problems.")

Only once in recent years has anyone seriously challenged Turner for the title "America's Craziest Billionaire." That challenge, of course, came in 1992, when a little Texan with a big wallet decided to do all he could to run George Bush out of office. (Remember when Perot said a "Republican dirty trick brigade" was plotting to spoil his daughter's wedding?)

With his latest move, however, Turner has seen Perot's craziness and raised him a thousand million. In the Billionaire Boys Club Race to the Edge of Sanity, Turner has left Perot eating his dust. In the army of crazed gazillionaires, Perot must now play buck private to Turner's five-star general.

Turner's U.N. gift rockets him high above the merely eccentric craziness of Perot into an orbit occupied by billionaires who have gone nuts with that which defines them—their money. For all his paranoid delusions, Perot has yet to go crazy with his own cash. Sure, he threw away a few million on his campaigns, but that's nothing. Turner is throwing away a thousand million.

Which brings us to a real conundrum. Which comes first, the money or the craziness? Is it the nuttiness of people like Turner and Perot that helps make them wildly successful, or does the sound of all those billions piling up just scramble their brains one day? We will probably never know.

Yet, there are people—think Bill Gates and Warren Buffett—at the other end of the Billionaire Sanity Continuum. I cannot help wondering if there is not some secret, some bit of wisdom they might offer that could help Turner and Perot find their way back from the brink.

Could Turner have possibly selected an organization less likely than the U.N. to give him his money's worth? I suppose he could have gone one step further and sent his billion to the spendthrifts in Washington. For all its lofty intentions, the U.N. is not much better. It is a ponderously inefficient, stubbornly ineffectual organization, dedicated to a purpose that it cannot hope to achieve.

Why not a billion dollars for medical research, to fight cancer, heart disease, or AIDS? Why not Harvard scholarships for 10,000 of the ghetto's best and brightest? Why not houses for 20,000 homeless families? Why not a nice decaf latte for every man, woman, and child in the country?

As we consider this grand gesture, doomed as it is to failure, remember that Ted Turner is first and foremost not a philanthropist but an entertainer. And it is as an entertainer that he shines brightest. So enjoy the laughs. That is all anyone is likely to get.

Luke Boggs writes from Alpharetta, Georgia.

How William Weld Mainstreamed Deviance

by Peter LaBarbera

Back when William Weld was still governor of Massachusetts—an office he quit to concentrate on his futile fight with Jesse Helms—his homosexual allies in the state were fond of calling him the nation's "most pro-gay governor." It's easy to see why. Like Nixon going to China, Weld blazed a new path for the Grand Old Party, infuriating social conservatives with his zealous advocacy of homosexual—even *gay youth*—"rights." His legacy raises stark questions about where "moderate" Republicans hope to take the nation.

To understand how far Weld pushed the pro-gay envelope in Massachusetts, one need look no farther than the schools. Under his stewardship, Massachusetts became ground zero in the movement to promote homosexual-affirming educational policies, and the state's "educrats" are now working with gay groups to export them to other school districts nationwide. In 1994, after Weld

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created his precedent-setting "Governor's Commission on Gay and Lesbian Youth," Massachusetts became the first state to enact a "gay rights" law for schools. The state now holds an annual "Gay/Straight Youth Pride March," sponsored by—of all agencies—the Department of Health, in concert with several homosexual activist groups. The taxpayer-subsidized rally is held on the steps of the state capitol in Boston, followed by a "gay prom" at—you guessed it—City Hall. After all, this *is* Massachusetts.

The Bay State's embrace of "gay youth" highlights a disturbing national trend: the use of schools as gay affirmation and propaganda centers, often without parents' knowledge. While social conservatives have focused on stopping the legalization of "gay marriage," homosexual activists and their allies have been diligently working in schools to advance their agenda of norming homosexuality. All across the country, young students are being confirmed as "gays" by older mentors and teachers. Homosexual activists proclaim their support for "GLBT? youth"—ostensibly gay, lesbian, bisexual, transgender, and "questioning" kids—and talk effusively about the trend of teenagers "coming out" at younger and younger ages. The result of the "gay youth" sensitivity crusade has been a proliferation of horror stories, as parents get wind of one-sided, pro-homosexual "lessons" or even "gay pride" rallies at their child's school, often after the fact. Massachusetts probably leads the nation in this dubious department.

Take the case of Mike Chiusano of Beverly, Massachusetts, who was driven to parental rights activism four years ago when his daughter pronounced him a "homophobe" over the dinner table. It seems the younger Chiusano, then 14, had just emerged from four days of *mandatory* assemblies called "Homophobia Week" at Beverly High School. Her father didn't even know about the assemblies, which are now annual fixtures at schools all over Massachusetts (they are officially promoted by the state Department of Education). When Mr. Chiusano protested to the Beverly High administrators, his family became the victim of a harassment campaign, including a phone call to his wife from one zealot who threatened, "We know where your daughter lives." So much for tolerance.

Another "accidental activist" in the move to restore sanity in the schools is Ed Beucler, a Cambridge resident who discovered on October 11, 1995, that his son, then a freshman, was required to attend a "coming out" rally sponsored by the "gay" student club at his school, Cambridge Ridge and Latin High School. (October 11 is the day celebrated by gay activists nationwide as "National Coming Out Day.") The only notice that Beucler and his wife received were the words "Coming Out Rally" on the school calendar sent home to parents. When the Beuclers complained to school authorities about the rally, which included a "transgendered" speaker, they were ignored for three months. Finally, they were asked to come in and discuss their concerns "and their son's progress"—infuriating Mr. Beucler, who saw no connection between the performance of his son, a straight-A student, and his concerns about the "gay" rally. Ultimately, Cambridge's superintendent said she would make no changes to the school's "Coming Out" rallies in the future.

Yet another atrocity came to light in March 1997, when the *Worcester Telegram & Gazette* reported that Douglas Matthews—the faculty advisor to the "gay-straight alliance" at Algonquin Regional High School—passed out a mind-bending "Questionnaire about Heterosexuality" to students in his freshman *history* class. The survey is used by the Gay, Lesbian and Straight Education Network (GLSEN—formerly the Gay, Lesbian and Straight Teachers Network) and other homosexual groups to expose alleged "homophobic" attitudes and turn the tables on critics who posit homosexuality as abnormal. It includes such questions as "What do you think caused your heterosexuality?" and "If you've never slept with a person of the same sex and enjoyed it, is it possible that all you need is a good gay lover?" Matthews' tendentious survey, which was not preapproved by the school, would never have seen the light of day had not two students secretly brought it home to their parents.

The melding of homosexual advocacy with education has caused an outbreak of incidents like the above in schools across the country. What is unique about Massachusetts is the state's funding of, and airtight alliance with, homosexual groups to carry it out. To advance their agenda, organizations like GLSEN devised a cunning strategy of encouraging the formation of pro-homosexual student clubs in schools, called "Gay-Straight Alliances." Rallying behind a campaign for "Safe Schools," gay activists worked with state bureaucrats to promote the idea that there is an epidemic of suicides among homosexual youth—30 percent of youth suicides are by "gay and lesbian" youngsters, they claim—hence the need for gay-affirming outreach programs in schools. This claim is utterly baseless. One of the world's leading experts on youth suicide, Dr. David Shaffer of Columbia University, has dismissed the 30 percent figure as arising from "hocus-pocus math." But that didn't stop David LaFontaine, the gay activist appointed by Governor Weld to head the state's homosexual youth commission, from ominously declaring that "Gay youth suicide is like a hidden holocaust in America."

As part of the lobbying campaign for the Massachusetts school "gay rights" law, students stood on the steps of the State House and held up signs such as "Gays Make Up 30% of Youth Suicides." The strategy, though deceitful, is brilliant. After all, who could be against protecting "at risk" kids from verbal and physical abuse—even suicide? Kevin Jennings, a former history teacher and the founder of GLSEN, boasted of the propaganda line's success in a 1995 speech: "We immediately seized upon the opponents' calling card—safety—and explained how homophobia represents a threat to students' safety by creating a climate where violence, name-calling, health problems, and suicide are common," he said. "In Massachusetts, no one could speak up against our frame and say, 'Why, yes, I do think students should kill themselves.' This allowed us to set the terms of the debate."

Critics saw the classic "bait-and-switch" tactic at work: win political support by tugging at the heartstrings, then move in with homosexual propaganda programs that promote one-sided "gay rights" shibboleths to impressionable students while leaving them ignorant of the health risks (and moral critiques) of homosexual behavior.

Jennings and fellow gay activists have a champion in Bill Weld, whose nomination as U.S. Ambassador to Mexico was sunk by Senator Helms. Massachusetts' homosexual lobby threw its support to Weld in 1992, helping him to defeat feisty conservative Democrat John Silber. (Ironically, the quirky Weld later appointed Silber as chairman of the state

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Board of Education.) In return, Weld gave gay activists carte blanche in his administration, appointing several homosexuals to state posts. Among them was LaFontaine—who several years ago was spotted in the periphery of an ACT UP protest in Boston in which homosexual militants pelted newly ordained Catholic priests (and their relatives) with condoms as they left a church induction ceremony. Now LaFontaine's activism is funded by the taxpayer. As the man behind the "Gay Youth Pride" rally, he looked on like a proud uncle as student after student stood on the steps of the State Capitol to rail against "homophobia" and praise Massachusetts for its "diversity."

At the rally, LaFontaine and his young followers celebrated that a full 100 Massachusetts high schools—one third of the state's total—now have homosexual-affirming "gay-straight alliance" clubs. His goal: a GSA in the remaining 200 schools in Massachusetts—most in more tradition-minded regions of the state. There will be plenty of taxpayer money to reeducate the masses. The state budget for pro-homosexual youth programs grew year after year under Weld. And as a parting act, he promised LaFontaine a $1 million budget to administer his "gay youth" agenda next year (an amount that was ultimately approved by Weld's successor, Governor Paul Cellucci, who appears even more sympathetic to the homosexual cause than Weld). The only good news for the state's beleaguered pro-family movement is that under a parental rights law passed last year (coupled with good regulations approved by Silber), students will likely have to tell their parents of their involvement in GSAs, and parents will at least receive advance warning of pro-gay events in their child's school.

How far has taxpayer-funded homosexual promotion gone in Massachusetts schools? A clue can be found in a 76-page manual entitled "Gay/Straight Alliances: A Student Guide," produced by the Massachusetts Department of Education. The publication might have been written by Queer Nation, so blatant is its promotion of open and proud homosexuality for young people. On page nine, students are told to "Display posters in your school that educate people about homosexuality and homophobia." On page 25, the manual innocently recommends Tony Kushner's play, *Angels in America*, without mentioning that the play is laden with crude gay sexual references and features simulated sodomy and nudity (in addition to cliché-ridden leftist diatribes). On page 26, the manual approvingly recounts a visit by some GSA members from Newton North High School to three eighth-grade classes at their former middle school: "The group members were exuberant . . . knowing that they had helped to break the ignorance, silence and fear surrounding issues of homophobia at their alma mater." On page 29, students are instructed how to plan "Awareness Days"—the same propaganda events that set off the Beuclers and their son. The manual reprints a "sample agenda" from a 1993 "Gay and Lesbian Awareness Day" at Newton South High School, which included a workshop on "Transgender Issues." Apparently in Massachusetts, it's never too early to indoctrinate students.

Back in May, at the "Gay Youth Pride" rally in Boston, the mood was festive as an adult announced that "this is a no-smoking, non-alcoholic event"—since it was sponsored by the Health Department. Sadly, the state's touching concern for teen welfare does not extend to enlightening them on the manifold risks of homosexual behavior: syphilis, amebiasis, hepatitis A and B, AIDS. Most boys I interviewed at the rally had no clue about threats to their physical well-being posed by "gay" sex practices—except to mouth "safer sex" rhetoric about wearing a condom. The kids did seem to be well-versed in "gay" activism, though. Andy Anello, a 17-year-old junior from Canton High School, recalled how members of his GSA, called the "Rainbow Alliance," put pink triangles on every student locker as part of "Free Your Mind Week" at the school. Anello's mind may have been free, but like many at the rally, his body bore the marks of an odd form of conformity—with an earring piercing his right eyebrow, and two on both ears. He and the other GLBT? kids displayed the telltale signs of youthful rebellion, 90's-style. Now along comes the government with its "gay-straight" school movement to infuse them with homosexual ideology and "pride." It's heady stuff for alienated, confused teens looking for meaning in their lives and a place to fit in.

It is one thing to ban abuse in schools—or teach students to respect one another and have manners. But it is quite another for the state to promote an unnatural homosexual "identity" with its attendant risks as "normal" to teenagers, while shielding them from opposing viewpoints. And what about gay activists as taxpayer-financed role models? At the homosexual "prom" later that evening, I witnessed a spectacle that would have made George Orwell shudder. Sterling Stowell, executive director of the sponsoring organization, the Boston Alliance of Gay and Lesbian Youth—and a transvestite—was carefully guarding the doors to City Hall to ensure that only approved press (i.e., no "homophobes") and students could enter. There was Mr./Mrs. Stowell, decked out in a colorful scarf-like gown, gaudy diamond-shaped earrings and full makeup—serving as Chief Protector of the "at risk" schoolkids! The gays are in charge in Massachusetts, and I fear for the children.

Peter LaBarbera is publisher of the Lambda Report on Homosexuality, *which monitors the "gay rights" movement.*

GOVERNMENT

Reining in the Feds

by William J. Watkins, Jr.

On June 26, 1997, the Supreme Court dodged the constitutional questions surrounding the Line Item Veto Act. In *Raines* v. *Byrd*, the Court claimed it had no jurisdiction and dismissed the complaint. Federal courts only have jurisdiction over a dispute if it is a "case" or "controversy." An element of the case or controversy requirement is that the party bringing the suit must have standing, which is defined as "a personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief."

The senators and congressmen questioning the constitutionality of the Line Item Veto Act cited the case of *Coleman* v. *Miller*, in which the Court upheld standing for Kansas state legislators protesting actions of the state's lieutenant governor. When the state senate dead-

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locked on ratification of the Child Labor Amendment to the federal Constitution, the lieutenant governor cast the deciding ballot for the amendment. State senators and house members sued, arguing that the legislature had not actually ratified the amendment. In *Raines* v. *Byrd*, the Court limited *Coleman* to the proposition that "legislators whose votes would not have been sufficient to defeat (or enact) a specific legislative act have standing to sue if that legislative action goes into effect (or does not go into effect), on the ground that their votes have been completely nullified." Though Senator Byrd et al., made a compelling argument that the Line Item Veto Act effectively nullifies their votes on legislative matters, the High Court preferred to wait for a suit involving a private plaintiff suffering a loss of federal benefits as a result of the line item veto.

When the President first used his new power on August 11, 1997, a plaintiff with standing was undoubtedly created, although, as we go to press, a suit has yet to be filed. Nonetheless, it is just a matter of time before a private challenge to the Line Item Veto Act reaches the Supreme Court.

Judging from the plain language of the Constitution and recent Supreme Court decisions, the Line Item Veto Act will probably be struck down once the proper case reaches the Court. The Act gives the President five days after signing a bill into law to "cancel" any discretionary budget item, any new "entitlements" for individuals and state governments, or any tax benefit limited to 100 or fewer beneficiaries.

Signing the Act in April 1996, President Clinton promised to scrutinize "the darkest corners of the federal budget." Running for President, Bob Dole claimed the line item veto would "put Washington on a pork-free diet." As is so often the case in the Imperial City, the two party leaders praised the ends without considering whether the means are constitutional.

Constitutionally, the Act has two major problems. First, it violates the Constitution's Presentment Clause:

> Every Bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a Law, be presented to the President of the United States; if he approves he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated . . .

President Washington interpreted the Presentment Clause as follows: "From the nature of the Constitution, I must approve all parts of a Bill, or reject it in toto." All of Washington's successors have adopted the same interpretation. The Line Item Veto Act turns this established and logical principle on its head. Supporters of the Line Item Veto Act concede that if the President could strike provisions before he signed a bill into law, the Act would clearly be unconstitutional, and so the Act instead requires the President to sign the bill into law and then "cancel" the provisions he disagrees with. Such a scheme shows what little respect our elected officials have for the Constitution.

The Presentment Clause also provides that a bill must pass both houses of Congress before it is presented to the President for his signature or rejection. This is referred to as the bicameral requirement. The Line Item Veto Act violates this requirement because the bill that passes both houses and is signed by the President does not become law if the President uses the power of cancellation. Congress might pass an A-B-C bill, but what becomes law after cancellation could be an A-B, A-C, or B-C bill—in other words, a bill never presented to the President. As the Supreme Court declared in *INS* v. *Chada*, the Presentment Clause "represents the Framers' decision that the legislative power of the Federal government be exercised in accord with a single, finely wrought and exhaustively considered, procedure."

Second, the Act unconstitutionally transfers the legislative power of repeal to the President. When President Truman issued an executive order seizing the nation's steel mills during the Korean War, the Supreme Court, striking down the order, emphatically declared: "In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a law maker." But the cancellation power granted by the Act effectively makes the President the country's most powerful law maker. Clearly, this power of cancellation is the power of repeal, which the Constitution vests in the Congress.

Some supporters of the Line Item Veto Act argue that, in spite of its name, the Act does not establish a line item veto. They claim that all spending is discretionary, and thus the President can simply spend less than Congress appropriates, an action called "impoundment." Impoundment is not mentioned in the Constitution, but it is an old executive practice. Perhaps the most famous impoundment was when President Jefferson refused to spend $50,000 appropriated for gunboats since the threat of war had passed. In recent times, Presidents have aggressively used impoundment. President Kennedy cut spending by six percent through impoundment; President Johnson impounded five billion dollars, which in the 1960's was real money. But when a weakened President Nixon tried to impound 12 billion dollars, Congress enacted the Congressional Budget and Impoundment Control Act of 1974, which requires legislative approval of executive decisions to end or reduce programs for which funds are authorized.

The argument that the Line Item Veto Act simply revives impoundment is pure sophistry. For instance, the Act gives the President the power to cancel limited tax benefits. A tax break is obviously not an appropriation to be withheld. Canceling a limited tax benefit is the repeal of a tax law; it has nothing to do with impoundment. This argument aside, as mentioned earlier, the Constitution does not refer to impoundment.

Although the Line Item Veto Act should be struck down by the Supreme Court as a violation of the Presentment Clause and a delegation of legislative power to the executive, its proponents do identify problems in modern federal lawmaking. Hamilton argued in *Federalist* 73 that the veto power serves two purposes: to shield the executive against congressional encroachments and to furnish "additional security against the enactment of improper laws." The latter function, line item veto partisans correctly point out, has been eviscerated by Congress.

In the early days of the Republic, Congress often passed separate bills for pronouncing, enforcing, and collecting a tax. When Congress authorized the formation of the departments of War, Foreign Affairs, and Treasury, three separate acts were passed. Today, bills rarely stick to a single subject. If Newt Gingrich and company were to pass a bill creating a new department, it would no doubt contain highway projects, subsidies to the well-connected, and sundry other unre-

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lated matters. This practice, often called logrolling, places the President in an awkward position. Although he might not favor the highway projects in the bill, he must sign the bill if he wants the new department created.

In other words, logrolling has eviscerated the President's veto power. But the evisceration did not begin with the Congressional Budget and Impoundment Control Act, as many neoconservatives argue. The problem began with the lawlessness of the United States government in the War Between the States, when Congress began to add riders to appropriations bills. The President, although he opposed the riders, was forced to sign the bill if he wanted to keep the war machine rolling. Because of such practices, President Grant asked Congress for a constitutional amendment "to authorize the Executive to approve of so much of any measure passing the two Houses of Congress as his judgment may dictate without approving the whole." Other Presidents have echoed Grant's plea.

The problem, in part, boils down to the nature of a bill. If modern legislators looked upon bills as the first Congress did (with its separate bills to enact, enforce, and collect taxes), there would be no problem. Unfortunately, logrolling is so common today that no one thinks it improper. Although Congress has enacted internal rules to keep bills to a single subject, there are far too many escape hatches. The answer to the problem is a congressional rule with teeth that forces Congress to limit bills to a single subject; failing that, a single subject amendment to the Constitution may be required.

Either option would solve the problems that the line item veto is meant to remedy and avoid the problems it creates. With a line item veto, there is still an incentive for congressmen to pass bills including such frivolities as funding for the Lawrence Welk Museum and honeybee subsidies. If bills were kept to a single subject, it would become harder to hide such waste. Under a single subject rule or amendment, congressmen could not claim ignorance of the contents of a mammoth appropriations bill, and hence would become more accountable.

Moreover, the line item veto aggrandizes the executive, while a single subject rule or amendment would not. For instance, the President can use the line item veto to punish individual senators and congressmen who do not cater to his wishes. Critics observe that similar results are possible with a single subject rule or amendment. The President could sign the bills of his party and veto the bills of the opposition. But unless Congress passes separate bills for Lawrence Welk and the honey bees, the danger is nothing compared to the perils of the line item veto.

Of course, the only permanent solution to our current trouble is to put Leviathan back in the cage of the Constitution. If the federal government obeyed the Constitution, there would be no taxpayer-financed subsidies for beekeepers, no Ponzi schemes like Social Security. Although a single subject rule or amendment is no panacea, it is a step in the direction of constitutional government.

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The Committee of 50 States

by Joseph Stumph

The Committee of 50 States, of which I am founder and president, is currently trying to find a state sponsor who would propose a new federal government and Constitution. Several state legislators in Idaho, Utah, and Arizona have expressed interest in our work, and they realize that this notion of forming a new government and a more equitable compact between the 50 sovereign states and the federal government is not as far-fetched as it might initially seem. A righteous and moral people will always exhaust all lawful remedies to tyranny before, in the words of Thomas Jefferson, refreshing the "tree of liberty" with "the blood of patriots and tyrants." Exploring these options is exactly the purpose of my committee. If it is not inconceivable that American citizens could soon be extradited to U.N. courts, as it certainly is not, then we should surely view the exercise of our constitutional rights as a legitimate option and a possible course of action.

The Preamble to the Constitution reads: "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." "We the People" obviously did not mean the whole people of the entire nation but the people acting through their individual state delegations. Unless the people of at least nine of the existing 13 states in 1787 ratified the Constitution, our present federal government could not and would not have been created.

The objective in getting at least nine states to ratify the Constitution was to form a union "more perfect" than the one which the states had established on March 1, 1781, under the "corporate" charter they called the Articles of Confederation. And such was not a difficult task, for the federal government under those Articles had led to chaos. The Articles had led to a most *imperfect* union.

Once the requirement of Article VII of the Constitution was met, and nine states joined together in a new confederation, a new federal government was formed, whether or not it was more perfect than the one automatically dissolved under the Articles. What happened to the old government that existed under the Articles of Confederation when the Constitution went into effect with its ratification by New Hampshire on June 21, 1788? The new Constitution automatically dissolved an existing union and fired all officers or representatives working under it, but this only occurred in the states which ratified the new compact. Under the constitutional proposal it was possible that four states might never join in the new union and would continue to function as an independent country, or rather as four independent countries, under the Articles. One of the remaining four, Rhode Island, did exactly this for almost two years, finally joining the union on May 29, 1790. North Carolina stayed out of the union for 17 months, not joining until November 21, 1789.

When the first nine states joined in a new alliance, league, or confederation, did they give up their sovereignty to the new government? Not at all. They merely delegated a few limited powers to the new entity. These nine states, later 13, and today 50, did only that which many of us do occasionally in business.

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From time to time a person might wish to give a trusted family member or friend power of attorney so that the delegated person can act as agent on behalf of the first person, who is the principal. If the principal desires, with or without cause, to withdraw power of attorney from the agent, he can do so at any time. The same happens in business, when individuals and groups of people create new corporations. Many of these corporations, months or years later, are then dissolved by the same authority which created them.

Our present government was created in accordance with these same principles of law. In effect, states can withdraw their power of attorney from anyone who works for the federal government—including Congress, the President, and federal judges. Further, as a corporate entity, the federal government is subject to dissolution at any time according to the pleasure of the states which created it, emulating the manner in which the first union—under the Articles of Confederation—was dissolved.

Shortly after George Washington became President, Alexander Hamilton argued (against Thomas Jefferson) that the Constitution carried with it "implied powers." Hamilton succeeded in convincing Washington that implied powers allowed the new government to charter a bank. Over the past 200 years, hidden rights, implied powers, and elastic interpretations of the commerce clause have so twisted the Constitution that Washington and Jefferson would not recognize it today. The Constitution is tattered, torn, and hanging by a thread. Our federal government today is more tyrannical, wasteful, and inefficient than the British government from which we declared our independence in 1776.

History is repeating itself. The Declaration of Independence states: "The History of the present King of Great Britain is a History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States." Referring to King George and the British Parliament it also states: "He has erected a Multitude of new Offices, and sent hither Swarms of Officers to harass our People, and eat out their Substance."

We would say this a little differently today, but the substance of the complaint would be the same, only now the object is to establish absolute power not only over the states but over the entire world via the United Nations. There are only two things standing in the way of modern tyrants: first and foremost, the ownership of some 200 million firearms of the American people; second, possible official resistance by some of the 50 states of the American union.

If the American people cannot be convinced or fooled into giving up their firearms by federal and state statutes and various other stratagems, the latter could eventually be seized by brute force. Firearms could be seized in the way which President Franklin Roosevelt seized our gold immediately after assuming office in March 1933. Americans were given 30 days to turn in their gold. After that, anyone caught with gold became a criminal subject to prosecution and imprisonment. Of course, the President could simply proclaim some sort of fraudulent "national emergency," declare martial law, and give us ten to 30 days to turn in all firearms, after which the BATF, FBI, or possibly U.N. troops could go door-to-door with metal detectors and other state-of-the-art technology to locate contraband.

A line of defense does exist against the brute power of the federal government, and that power lies dormant within the legislatures of the 50 states. The sovereignty of each state was preserved when they organized their federal agent, and all states after the first nine came into the union on an equal footing. Hawaii and Alaska have all the rights, powers, and sovereignty as the first nine. Three of the original 13 states—Virginia, New York, and Rhode Island—actually stipulated in their ratification documents that they reserved the right to resume *total* sovereignty when "it became necessary to their happiness."

How can a state take back its total sovereignty and withdraw all delegated powers from the federal government? One way, which I do not yet advocate, is to secede, separate, or declare independence as the 13 British colonies did on July 4, 1776. Yes, secession is lawful and the South was right in their legal arguments in 1860-61, but there is a better, more powerful way which carries little if any risk of bloodshed. It is an idea ahead of its time, yet as old as the Constitution and the Declaration of Independence, for both serve as precedents.

Let's face it. The present liberal and socialist mind-set of Washington, the media, and especially the Clinton administration will not change; the federal bureaucracy will continue to be arrogant; the IRS will continue to bully and intimidate; and BATF and FBI abuse of law-abiding citizens will not likely be curbed unless the states initiate action and exercise their ultimate weapon—sovereignty.

In the Articles of Confederation it was stipulated in four places that the Union then was one in "perpetuity," and that amendments could only be added by unanimous consent of all 13 states. However, as Thomas Jefferson pointed out in the Declaration of Independence, it is always the right of the people to "alter or abolish" any form of government, though such is never done for "light or transient reasons." In abolishing the existing government of 1788, our forefathers accomplished an extraordinary and bloodless revolution.

The sovereignty of the present 50 states originated with the Declaration of Independence and was confirmed by the Treaty of Paris (September 3, 1783), in which Great Britain agreed that the original 13 colonies were now recognized as "free, sovereign and independent states," or countries: not collectively, but individually. On that day 13 new countries were officially recognized, and our present Constitution changed nothing regarding state sovereignty. Jefferson observed: "The federal is, in truth, our foreign government, which department alone is taken from the sovereignty of the separate states."

The Constitution is, in a sense, a temporary delegation of certain powers of sovereign countries to an artificial corporate entity which they created to serve their common needs. In addition to being a compact, alliance, or treaty between sovereign entities, it is also a contract and a corporate charter. Like a corporate charter, it created out of nothing an artificial entity to serve specific needs of the "stockholders"—in this instance, the states. Corporations are dissolved by the same authority which creates them, and this holds true for the government of the United States. In 1788, nine of 13—69.23 percent of the existing states—dissolved the corporate charter and started over with a new government. If the states today should decide the present government has outlived its usefulness, 35 states—70 percent, following the precedent—can fire the feds and start over. Delegates from only 12 states wrote and proposed the Constitution. But a single state could

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have written and proposed it to the other 12. And so it is today, as a single state legislature, say Idaho, could propose a new Constitution to the other 49 state legislatures. This state need not ask the feds for permission to do this.

The point of all this is not actually to form a new government in Washington but to initiate a national debate on federalism. A Concurrent Resolution by a single state legislature can start the ball rolling. If you wish to know how, simply contact us.

Joseph Stumph is the president of The Committee of 50 States (4808 Quailbrook Circle, Salt Lake City, Utah 84118).

SOCIAL SCIENCE

The Vernalization of Hillary's America

by Glayde Whitney

What Hillary failed to do through healthcare, she is now attempting to do via childcare. And who dares to complain? Motherhood and baby's welfare are all packaged with a media blitz and backed by a panoply of technical experts. The socialization of American society is accomplished via pabulum, and the mean-spirited had best keep quiet.

One of my young colleagues, a leading light in the field of developmental neuroscience, recently predicted that the field was ripe for political misrepresentation. It has happened before: in 1948, in the Soviet Union. There, the surface issue was agriculture; here, it is children. There, they had a national crisis: inadequate food production. Here, we are sometimes told that we have a national crisis: inadequate parents and citizens. There, the solution was central government control of early intervention programs. Here, it is a reasonable prediction that the proposed solution will include central government control of early intervention programs. There, they ruined what agricultural programs they had, and indeed, the whole Soviet system eventually came tumbling down. And here?

There and here the guiding theory is identical: it is a socialist utopia based on egalitarianism and what behavioral scientists call environmental determinism. In 1948, Stalin actually outlawed genetics as a Western bourgeois construction that was incompatible with the truths of Marxist-Leninism. Hillary does not have quite that political clout, yet.

The theory that Stalin and Hillary share is that all those newborns—wheat plants for Uncle Joe, human babies for Mother Hillary—have identical potentials for growth and development. If some individuals do not do as well as others, it is because of their early experience. This is obviously true—everyone knows that fertilizer is important for wheat plants, and everyone knows that early nutrition and stimulation is important for humans. This is so obviously true that anyone who questions its application to the problems at hand is an idiot, an enemy of the state, and a hatemonger. There, the eminent scientist who objected, geneticist Nikolai Vavilov, died of disease and starvation in the Gulag. Here, eminent scientists who voice objections are subjected to ad hominem attacks (and the end of any federal research support they may have had).

In addition to individual differences, there are those vexatious group differences. There, winter wheat and spring wheat did not produce equal crop outcomes. Here, it is all too obvious that various ethnic/racial groups do not attain equal educational, criminal, or job performance outcomes. Although no one in the Soviet Union actually knew the reasons for the different outcomes, those who did not acquiesce to the environmentalist-socialist-egalitarian explanation were considered evil, beyond the pale, outside the bounds of acceptable discourse. There, a hated Morganist-Mendelist; here, a contemptible racist.

There can be only one theoretically acceptable intervention, because there is but one ideologically acceptable cause. There, the acceptable intervention was called "vernalization." It consisted of a wide variety of different treatments, all designed to change the developmental trajectory of little plants. Soviet scientists declared that appropriate early intervention could change low-yielding varieties into high-yielding ones. Spring wheat could be like winter wheat. Performance characteristics—and more importantly, differences in performance between different groups—could be eliminated or reversed by appropriate early head starts for the little plants. The early environmental interventions of vernalization were the only acceptable treatments because they were the only approaches that were compatible with the theory of environmental determinism that is at the heart of socialist egalitarianism. And the whole world knows the results: failed programs based on ideologically driven pseudo-science. When highly touted programs failed, the solution was to redouble the effort on a yet larger scale. Over the years there were many media blitzes coordinated through *Pravda*, proclaiming the remarkable success of various early intervention programs. With embarrassing regularity the touted program was allowed to sink into oblivion while the media trumpeted the miraculous results of another new approach. Perhaps most ominously, they allowed their lines of seed grain to deteriorate while they followed the follies of yet more and earlier vernalizations. The Soviet Union faced crop failures, while here in the West, we created bountiful harvests; our baskets literally overflowed with grain and produce, while their people starved. (In fact, their communist brethren continue to starve in North Korea.)

In the West, something remarkable happened: as pure science solved a myriad of problems, the social and educational sciences were infected by the environmental determinism that was central to the failures of Marxist socialism. With this in mind, perhaps we should not hold Hillary responsible for her folly. After all, as a baby boomer educated by a coterie of silly socialists, she is not to blame for her behavior. She is merely a victim of her ideological programming. Since 1965, we have spent over $5.4 trillion in the Great Society War on Poverty, and we find ourselves bracing for the arrival of the superpredators. Massive centralized vernalization efforts such as Head Start have not had the promised outcomes. Instead the protected classes are arguably worse off than ever before, as out-of-wedlock births to teen mothers, illiteracy, lack of job skills or even employment motivation, and black-on-black crime overwhelm the social services of the welfare state. The proposed solution: more of the same. From "volunteer" tutors to teach illiterates, to earlier and

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more intensive head starts, the ideologues of socialism have locked us into considering only the one (failed and failing) approach to the alleviation of our problems.

The science that is so abused should be explicitly stated. It is abundantly clear, both for wheat plants and for humans, that inherited genetic factors and environmental experiences are *both* important in determining outcomes, whether wheat crop yields or human intellectual performance. Experiments with laboratory plots or animal surrogates show that extreme environmental deprivations (such as severe nutrient deficiecies, or severe sensory deprivation) can adversely affect developing plants and developing brains. From such experiments, it does *not* follow that the individual and group differences encountered in the real world result from environmental deprivations. No Head Start program, no application of fertilizer, can convert winter wheat into spring wheat. The differences in outcome are largely genetic. Hillary should be reminded that the difficulty of America's underclass is not deficient nutrients. The strapping youths that terrorize American schools are not undernourished; indeed obesity is a major health problem of the poor in America. Similarly, the intellectually underperforming products of urban squalor are certainly not suffering from sensory deprivation. However, political ideologues have successfully preempted any honest discussion of the causes and cures of social problems.

Peter Brimelow has suggested that the term "racist" is now so debased that its new definition is "anyone who is winning an argument with a liberal." But things have progressed well beyond that point. Today in America, neoconservatives and liberals (am I repeating myself?) both agree that only environmental causes are appropriate for public discourse. Not one leader of either dominant party has had the courage to discuss openly what is obvious to any thinking person. Attempts at honest discussion of current scientific knowledge are met with outraged cries of "racism," "sexism," "Nazism," or politically incorrect "insensitivity." Even to consider the certainty of inherited differences among peoples is denounced as "unethical," "immoral," or "inhumane." In the meantime, the affected classes continue to deteriorate under the abuse and neglect of their socialist egalitarian defenders. Sadly, the ideologically driven nonsense continues when hundreds of years of experience have shown that humane solutions to societal problems often follow from unfettered consideration of honest science.

Many of my scientific colleagues, especially the untenured, now live in abject terror that their private discussions and true scholarly opinions might be revealed in public. The egalitarian ideologues have a near stranglehold on public discussion of important issues. Perhaps the fears of my colleagues are overblown, perhaps not. Psychological researcher Christopher Brand of Edinburgh University in Scotland is a case in point. In a 1996 book, he wrote:

> The *no-human-nature* egalitarianism of many of their practitioners has thus been deeply embarrassed by the collapse of Marxist utopias in Eastern Europe—providing a decisive result in "one of history's largest social experiments." . . . It is the one-time heroes of historical materialism and nature-denying existentialism, not those of differential psychology, who, as national leaders, have killed millions of their own people (Mao, Pol Pot) and, as psychologists, attracted criminal convictions and prison sentences for fraud (the Milwaukee Head Start practitioners). . . . By a "collective fraud" . . . they have condemned scientists and students, as Havel put it, to "live within a lie." Between them, psychology's inheritors of empiricism and idealism deny that much is known about the causes of unemployment, crime, welfare-dependency and the neglect and abuse of children: they betray people and psychology for the sake of another research grant.

Branded a "racist," Christopher Brand was suspended from teaching and administrative duties at Edinburgh University. Meanwhile, swirling in an ideological pseudoreality, Hillary proceeds with the vernalization of America.

Glayde Whitney, a professor of psychology and neuroscience at Florida State University, is a past president of the Behavior Genetics Association.

RELIGION

A Traditionalists' Alliance

by Srdja Trifkovic

Seldom has a piece of foreign legislation elicited such an outcry among America's *bien pensants* as did a recent Russian bill designed to regulate the activities of the many religious sects that have been setting up shop in Russia since the fall of communism. While the media chorus from New York and Washington was predictable in its mixture of "concern" and condemnation, it is noteworthy that some think-tanks were quick to join the bandwagon. Typical of the crop was a monograph—"Russia's Assault on Religious Freedom"—by Ariel Cohen of the Heritage Foundation.

Cohen wants us to believe that "this legislation will turn back the clock on religious freedom in Russia . . . as the Russian Orthodox Church, seeking a religious monopoly, has joined forces with xenophobic communist and nationalist politicians in the Duma. Under the bill, the government would be able to reinstitute aspects of the persecution and oppression that prevailed under Joseph Stalin and Leonid Brezhnev."

The facts are different from the rhetoric. Admittedly, if you are a Scientologist planning to set up a radio station in Omsk, or a Mormon or a Jehovah's Witness out to convert Russia to your version of the true faith, your job will include overcoming certain bureaucratic obstacles that had not been there before. But persecution à la Stalin or Brezhnev? Images of the Gulag and KGB interrogation cells readily come to mind. Alas, no quick martyrdom awaits you in today's Russia.

If you are a committed Christian determined to suffer for your faith, you should go to Kuwait. In the land for which hundreds of thousands of young Americans risked their lives, your life would be in mortal danger if you dared to preach the Good News. Even worse off would be those who receive your message and convert: they would be sen-

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tenced to death. Or perhaps you should go to Israel, a Western-style democracy that puts strict limits on the freedom of Christian proselytizers. Try preaching Jesus in Nazareth and you will be deported—if you are lucky. Persist, and you may get a chance to make some Palestinian friends behind bars.

Russia's legislation is of course flawed, if only because religion should not be regulated by legislators. Politicians are inherently corrupt and therefore unfit to legislate on matters of faith and conscience. But last June in Russia, I saw sparkling-eyed sectarians from America attempting to buttonhole Orthodox believers as they were leaving church services. The proselytizers weren't outside on the street but on the very steps of the church, even inside the yard. This would not be allowed in America: there is hardly one parish of any denomination that wouldn't call the police, or at least ask the interlopers to leave, if its parishioners were being accosted in a similar vein.

The outcry over Russia's new law is in fact directed against all Christian upholders of tradition who feel abandoned, betrayed and despised by the prevalent "Christomarxist" elite which controls various church establishments throughout the Western world. Dr. Cohen et al., seek to promote the "otherness" of Russia and Orthodoxy, and to perpetuate the intra-Christian schism, for the benefit of those who care not a hoot for the truth or the good life.

Of course the family quarrel of over nine centuries is real. It involves many doctrinal and liturgical differences that cannot be eliminated by any "half-way" compromise, let alone by accepting the possibility of "multiple truths." But dialogue and mutual help among Catholic, Orthodox, and Protestant traditionalists is both possible and desirable. Taken separately, they are utterly powerless to fight the modernizing, relativizing cancer which is destroying their communities from within—from Smolensk to Sonoma, from Belgrade to Bristol.

We are at war. It is a "culture war" rather than the shooting variety, but to many Christian traditionalists it is becoming clear that its outcome will determine the future of our civilization. Its victims are millions of immortal human souls and further millions of slaughtered unborn babies, rather than soldiers in uniform; but those complacent Christians who remain unaware of the devastating and escalating ferocity of this war may already be counted among the casualties.

All around us—in the academy, on Wall Street, in Hollywood—there is a mountain of evidence that the dominant elites are ordering our society after their own image. They are turning it into a virtual-reality theme park in which nothing is real and nothing sacred. New recruits are allowed into the ranks of those elites only if they have proved unable or unwilling to comply with the Christian concept of the good life. For proof, suffice it to say that Bill Clinton is still in the White House.

In the ongoing culture wars we need allies, and none are better poised to grasp the calamity facing us all than the Orthodox Christians of Eastern Europe. After their appalling experiences over the past 80 years, they realize that each of us needs to retain an awareness of his own fallibility when using human fallibility as an argument against the errors of the modern world.

All is not lost, at least not yet: anti-Christian beliefs and the assumptions of the dominant elites are at odds with the majority of the people in every traditionally Christian country in Europe and America. But this majority is embattled. It is being steadily and deliberately whittled away by the continuing onslaught on "conventional morality" in schools and the media, and by the attack on the demographic structure of our societies by open immigration. The problem is compounded by an ongoing betrayal from within the Christian camp, and the conquest of many churches by anorak-wearing guitarists, cryptocommunists, sexual perverts, and radical feminists. These people have their secular agendas, their political and social objectives; that they have no serious faith of any kind goes almost without saying.

The true Christian tradition has saved and sheltered many Orthodox, Catholic, and Protestant traditionalists from the arrogant belief of today's dominant elites that people can solve all the mysteries of the universe through their unaided intellects. But we are increasingly drawn into "the system" without realizing that we are being required to compromise our beliefs—to become practicing atheists, or worse—in order to participate in today's society.

Instead of joining the chorus of self-righteous condemnation of Russia's "undemocratic" practices, we should realize that true Christian traditionalists are going to be "culture warriors" on the side of common decency, traditional values, and Truth. We should be prepared to endure sacrifices. Instead of being thrown to the lions, we may be subjected—by some judicial mechanism dictated by bureaucrats—to mandatory "sexual diversity orientation sessions," or feminist-led proabortionist "right-to-choose education workshops," after which the refusal to recant could lead to "therapy" and forced medication. This scenario is not farfetched, alas, on either side of the Atlantic. Americans should prepare for martyrdom.

To prevent such a nightmare, we need to develop a political theory of Christian resistance. We should explain to our children that today's "liberal democracy" promises freedom "from" things, whereas Christians should uphold freedom "for" things. But can Christian traditionalism offer a modern, practical political theory? Can it develop a contemporary model of a harmonious polity that includes free, willing obedience? If it can, this model should be broad enough to provide the consensual platform for a coalition of traditionalists from different Christian traditions. To regain the war-ravaged remnants of "Christendom," we should help its embattled majority of manipulated citizens become conscious of the power which it still possesses.

But an alliance among Christian traditionalists demands a change in some of our attitudes, too. Revelation and Tradition are not a System, and no System is the Truth. In seeking a post-ecumenical dialogue between traditionalists, we should take this adage seriously. For the sake of a traditionalists' alliance, let us heed this voice, and admit that others—people outside our particular tradition—may share Christian virtues and lead good lives. Tell this to any true Russian Orthodox believer, and he will understand, and respond.

Srdja Trifkovic is the executive director of The Lord Byron Foundation for Balkan Studies.

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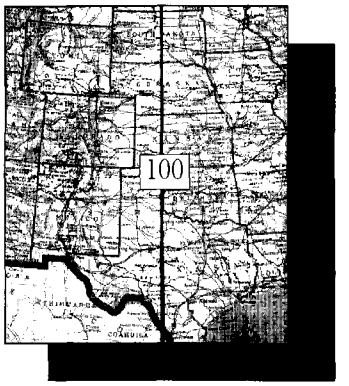
by Chilton Williamson, Jr.

Whistling Dixie

Historians have been arguing since the 1950's whether the West ought to be understood as a frontier, a region, or the seamless westward extension of Eastern and Midwestern America. Beginning in the 1980's the debate intensified, owing to the work of the so-called New Western Historians who like to think that they started it all. Led by Patricia Limerick of the University of Colorado at Boulder, the New Western Historians have identified Frederick Jackson Turner and his frontier thesis as their nemesis and, after him, Ray Allen Billington who devoted his career to expounding and extending Turner's work. According to Limerick, Turner, Billington, and almost the entire American historical profession before 1980 confused frontier history with regional history and—even worse—with nationalist history. Neo-Westerners like Limerick, Donald Worster, Carl Abbott, and Malcolm J. Rorbaugh accuse their paleo-Western forebears of leaving out of their books the experience of Indians and Mexicans, blacks and Asians, women and children, bison and grizzly bears, the Mexican Spotted Owl and the Southwestern Willow Flycatcher, mountains and rivers, rocks, trees, and history professors and concentrating nearly to exclusion on the peripheral adventures of narrow-minded, wedge-headed, inbred Anglo-Saxon barbarian males bent on murder, rape, pillage, and exploitation. In the interests of challenging and amplifying this over-inflated sideshow melodrama, the New Western Historians have emphasized the idea of regionalism in their own work, attempting to demonstrate how much of a settled, peculiarly Western civilization—or civilizations—existed before the Anglo hordes arrived on the scene.

The recent emphasis on regionalism as a concept in the history of the West is as full of irony as it is of interest, "regionalism" being a term not ordinarily associated with New Left historians except as a pointer to demonize something or someone. Turner himself anticipated the new way of thinking about the West in an essay, "The Significance of Section in American History," by which he tried to



counteract his earlier conflation of the West with the frontier. In the same way Gerald Thompson, a modern historian at the University of Toledo, found himself loosely associated with the New Western school after concluding that the West thought of as a region is a more effective vehicle for thematic unity, and more inclusive besides. But Thompson, far from being of the New Left persuasion, is a generic conservative, among the most good-naturedly trenchant critics of his New Western colleagues. Aware perhaps of reactionary connotations attached to the word "regionalism," the New West historians have done their best to replace them with progressive overtones. Carl Abbott, arguing for what he calls an "urbanization model" for comprehending the history of the American West, describes how regionalism has been modified and weakened by urban development. As early as 1880, Abbott notes, 30 percent of the population of the Rocky Mountain and Pacific states were urban dwellers, compared with 28 percent for the rest of the United States, according to the U.S. Census taken that year.

My own view is that the West has always needed to be seen as both as region *and* frontier. Turner never claimed all of American history to be frontier history, simply that frontiering was the defining, and in fundamental ways unique, experience of the American people. The Western frontier, from the perspective of those who were, culturally and racially speaking, generic Americans at that time, was either the defining or the emblematic way of life representing the primary force within a region, in addition to being a geographical part of the same region. No matter what percentage of the American population out West lived in "cities," the frontier was the perceived norm, experientially, socially, and politically. For Mormons living in Salt Lake City in the latter half of the 19th century and well into the 20th, life was not "urban" in the way that it was in New York, Philadelphia, or Charleston, as town life for the citizens of Laura Wilder's De Smet, South Dakota, was substantially different from life in Thoreau's Concord. The American pioneer, whether he lived in a chinked log house a hundred miles from the nearest neighbor, in a frame house in a prairie village, or in a spacious adobe mansion in the presidio of Old Tucson, belonged to a distinct American type going back as far as Jamestown and Massachusetts Bay. To this extent, of course, he is not prototypically "Western," but to admit as much is hardly to deny that the frontiersman reached his fullest development in the Rocky Mountains and the Far West. The breed was essentially established in the First American West, meaning Trans-Appalachia. Its spirit is suggested by Malcolm Rorbaugh when he writes of the fierce independence and resistance to authority characteristic of the North British and Scots-Irish stock. "In the end," Rorbaugh says, "the citizens of the First American West were no more inclined to respect the Federal Government than they were to obey the dictates of Richard Henderson," the wealthy judge who at one time laid claim to almost all of modern-day Kentucky. Moving across the Mississippi River and beyond, the descendants of the earlier frontier stock, pursuing frontiering through successive generations as other American families pursued banking, commerce, or the law, saw to it that the federal government away off in Washington did not substantially interfere in social, economic, and political matters affecting the settlements and territories of the West.

Yet the sodbusters, cattle ranchers, fur trappers, gold miners, and Indian fighters were not the whole story of the West. There was, of course, another aspect to Western development—not so radically different a one as the New Historians

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make it out to be, but different enough to make a difference, especially in the long run. The founders, developers, and boosters of the West's great cities were certainly provincial, like the cities themselves, but they built with the great cosmopolitan cities of the East in mind, copying or aspiring to the Eastern urban model while importing Eastern values, cultural forms, and political institutions. More than anything they wished their Western cities to be "modern," and progressive. Statistically at least, the West was becoming an urban region to the extent that N.S.B. Gras, an economist, and Robert Park, a sociologist, described it in the 1920's as 12 or 14 metropolitan areas connecting ranching and farming towns with mining communities and drawing the products of all of them to the new centers of national trade. While the West was substantially still a colony of Eastern investors and the federal military establishment, cultural exchange moved mostly in one direction—from West to East. With the coming of age of the urban West in the 20th century, however—and especially in the half-century since World War II—patterns of influence have become much more complex, reflecting not just the nationalization but the internationalization of the economy.

Urban development in the West has been the vehicle by which region has overwhelmed frontier, and is now busily finishing it off. The frontier has resisted its fate, beginning with the Populist counterassault between 1890 and 1940, when the isolated rural West, alienated almost as much from its own cities and towns as from those of the East and Midwest, revolted against Western industrial centers and the national capitalist system in an attempt to localize the bases of politics and finance. More recently the frontier has asserted itself through the Sagebrush Rebellion in the late 1970's and the early 80's, the People for the West and Wise Use groups, the Tenth Amendment movement, and the war against the War on the West. These, however, have proved of little use in reinvigorating and preserving the remnant of the Old Frontier. This is partly because some of them—like Wise Use—are really only puppets of the urban-capitalist enemy. A more important reason is that the frontier was bought off as early as a couple of centuries ago.

Patricia Limerick is not all wrong when she charges that Western history in essence is nationalist history. The frontier, however eccentrically, was drawn into the greater nationalist and expansionist fervor almost from the beginning. Like almost everyone in America in the 19th century, frontiersmen were seduced by the romance of Western expansionism and Manifest Destiny and also by the missionary aspects of these obsessions: carrying Anglo-Saxon culture, democracy, and Protestant Christianity to the Spanish, Mexicans, and Indians of the American West. Almost as bad, they succumbed to the temptation to try to have it both ways; to own and control the land and other resources of their places of settlement while chivvying subsidies from the central government as a means of consolidating ownership. It did not take long, however, for the East to realize that the frontier, when it came to protest and dissent, was given more to rhetoric than to action (as Rorbaugh has pointed out).

The West *is* a region. But without a vigorous frontier culture it is certain to become less and less a distinctive one, largely geographical in nature. Absent, furthermore, a strong frontier presence—or anyway a legacy—the West is unlikely to be capable of summoning the audacity, the courage, and the determination to press regional identity and regionalist policies, much less nationalist ones. In spite of recent talk about devolution and the Tenth Amendment, the United States continues—year by year, month by month, day by day—toward a greater homogeneity, a greater conformity, a more complete centralization.

Some of the reasons for this surrender are doubtless geopolitical, above all the territorial division between that portion of the West dominated by region, and that where frontier holds sway—barely. This division is one that is usually ignored by historians and politicians, though in fact it is crucial to understanding the West, its past, present, and future. For most people the West begins at the Hundredth Meridian and goes all the way to the Pacific Coast. For others—artists and poets mainly, like Walter Prescott Webb and Edward Abbey—the West means the Rocky Mountain or Intermountain West, exclusive of California and the western portions of Oregon and Washington. The real division, in other words, is geographical and cultural, not political and administrative. It is the division between region on the one hand and frontier on the other. To many Westerners today, frontier alone truly means West. But if the West indeed is synonymous with the Intermountain area, then Western nationalism is surely an impossibility for geopolitical and political-territorial reasons, since no sane person believes that a Western American republic—running south from Canada to Mexico along the Rocky Mountain cordillera, splitting the continental nation in two—can ever be a feasible proposition, or even a likely dream.

Unfortunately there are other, even more basic reasons for concluding that any Western nationalist or regionalist movement is likely to be futile. Westerners five and six generations ago were too busy making a living from a howling desert to have time or energy left to prevent Washington from dominating the West, and their descendants today are too dependent on Uncle Sam to insist that it should be otherwise—as the federal government is too reliant on Western deserts as a place to store old people, roll pork barrels, explode bombs, and draw incoming missiles away from the White House. The West has no formal regional culture, no discrete body of learning, no rhetorical mode, as the South still has. Unlike the South, the West went from the territorial stage to statehood before acquiring its universities, and even then these were developed, along with the curriculum, from Eastern systems of education imposed by Eastern politicians. The West was won largely by the Scots-Irish, who were then submerged by immigrants from alien cultures, advertised for and imported by Eastern industrialists and their bought representatives in Washington. Today, the Indian tribes out West have a culture, as the Mexican-Americans do; Westerners do not, although the frontier itself continues to limp along in a distinct though much attenuated way of life that has proved remarkably resilient and resisting, under the circumstances. The Tenth Amendment movement is isolated, and the Committee of 50 States is not exclusively a Western enterprise; the county movement, in Catron County, New Mexico, and elsewhere, has been infiltrated by anarchists arrived from somewhere else. Recreationists, industrial tourists, second-home scum, and retirement retreads are flooding in from all over the United States, and the world. Any son of the Old West today who believes that the West will rise again is not only fooling himself. He *is* a fool. c

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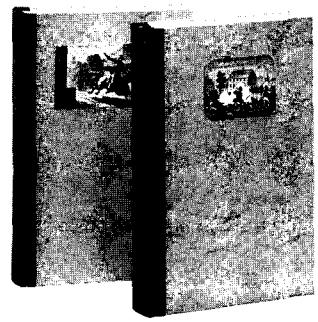

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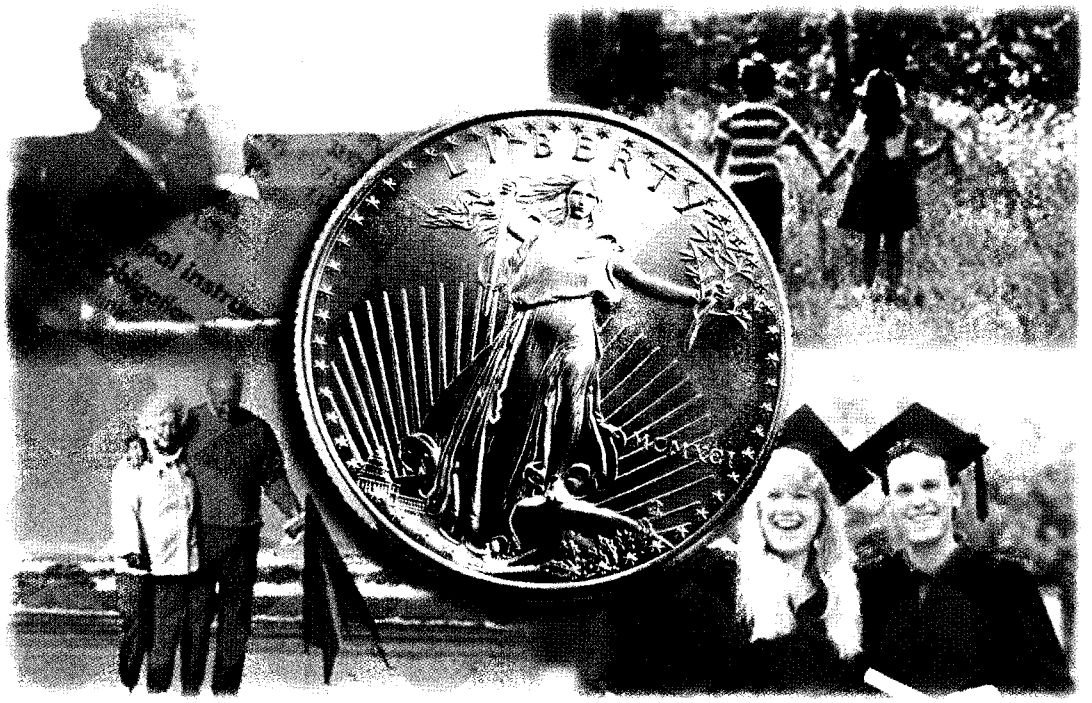

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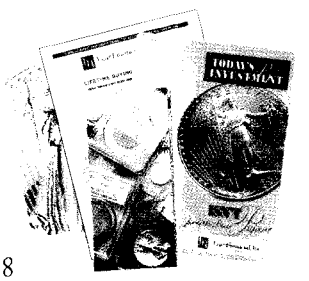

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